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CLIFFORD W. LAZAR
9717 CISCO STREET
LOS ANGELES, CA 90034-1053

COPY MAILED

OCT 2 7 2005

OFFICE OF PETITIONS

In re Application of :
Clifford Warren Lazar and Paul Meadows :
Application No. 60/641,312 :
Filed: January 3, 2005 :
Docket No. N/A :

ON PETITION

This is a decision on the petition under 37 C.F.R. 1.137(b), filed October 17, 2005, to revive the above-identified provisional 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)."

The above-identified provisional application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 28, 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 provisional application became abandoned on March 29, 2005. A Notice of Abandonment was mailed on October 4, 2005.

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 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, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

The instant petition does not satisfy requirement (3) above.

The petition is signed by only one applicant, Clifford W. Lazar.

Please note 37 CFR 1.33:

> § 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:
>
> (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. (Emphasis added).

As such, the statement of unintentional delay cannot be accepted unless the petition is signed by all of the applicants of the above-identified application.

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

Telephone inquiries should 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

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United States Patent and Trademark Office
P.O. Box 1450
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CLIFFORD W. LAZAR
9717 CISCO STREET
LOS ANGELES, CA 90034-1053

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DEC 13 2005

OFFICE OF PETITIONS

In re Application of :
Clifford Warren Lazar and Paul Meadows :
Application No. 60/641,312 :
Filed: January 3, 2005 :
Docket No. N/A :

ON PETITION

This is a decision on the renewed petition under 37 C.F.R. 1.137(b), filed November 3, 2005, to revive the above-identified provisional 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)."

The above-identified provisional application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 28, 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 provisional application became abandoned on March 29, 2005. A Notice of Abandonment was mailed on October 4, 2005.

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 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, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

The instant petition does not satisfy requirement (3) above.

Petitioner has submitted a cover letter that it signed by both applicants, Clifford W. Lazar and Paul Meadows. However, the petition is still signed by only one applicant, Clifford W. Lazar. In order for the Office to accept the statement of unintentional delay under 37 CFR 1.137(b)(3), the petition must be signed by all of the applicants.

Please note 37 CFR 1.33:

> § 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:
>
> (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. (Emphasis added).

As such, the statement of unintentional delay cannot be accepted unless the petition is signed by all of the applicants of the above-identified application.

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

Telephone inquiries should 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

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OFFICE OF PETITIONS

CLIFFORD W. LAZAR
9717 CISCO STREET
LOS ANGELES, CA 90034-1053

In re Application of :
Clifford Warren Lazar and Paul Meadows :
Application No. 60/641,312 : ON PETITION
Filed: January 3, 2005 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 20, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified provisional application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 28, 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 provisional application became abandoned on March 29, 2005. A Notice of Abandonment was mailed on October 4, 2005.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTN: DANIEL M. PAULY
MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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JUL 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert Scott Koefod	:	
Application No. 60/641,651	:	ON PETITION
Filed: January 5, 2005	:	
Attorney Docket No. 12897.37USP1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2006, 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 (Notice) mailed October 4, 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 December 5, 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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P.O. Box 1450
Alexandria, VA 22313-1450
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of :
Weitzel, et al. :
Application No. 60/641,767 : ON PETITION
Filed: January 7, 2005 :
Attorney Docket No. 44928.000029 :

This is a decision on the petition filed March 28, 2005, requesting that the above identified provisional application be accorded a filing date of January 7, 2005.

The provisional application was deposited on January 7, 2005. However, on January 28, 2005, 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 to the Notice, on March 28, 2005, the instant petition was filed.

Petitioner states, "Applicants respectfully submit that the Application was in fact submitted with several drawings, figures, and schematics. These drawings, figures, and schematics can be found on pages 2, 7, 9, 12, and 13 of the application as originally 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 January 28, 2005, was mailed in error and is vacated.

Accordingly, the petition is granted.

The petition fee will be refunded to deposit account No. 50-0206.

This provisional application is being forwarded to the Office of Initial Patent Examination, for further processing with a filing date of January 7, 2005.

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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JUL 13 2005
OFFICE OF PETITIONS

Conferee: DW

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HARNESS, DICKEY, & PIERCE, P.L.C
7700 BONHOMME, STE 400
ST. LOUIS MO 63105

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MAR 2 9 2005

OFFICE OF PETITIONS

In re Application of :
Fadde :
Application No. 60/641,798 : DECISION ON
Filed: January 6, 2005 : PETITION
Attorney Docket No. 5237-000009 :
For: INTERACTIVE VIDEO TRAINING :
OF PERCEPTUAL DECISION-MAKING

This is a decision on the petition filed February 14, 2005 requesting that Figure 3 be accorded a filing date of January 6, 2005. The petition will be treated under 37 CFR 1.53(e).

The application was filed on January 6, 2005. On January 31, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application" informing petitioner that Figure 3, as described in the specification, appeared to have been omitted.

Petitioner requests that Figure 3 be accorded a filing date of January 6, 2005 on the basis that 2 pages of drawings, including Figure 3, were received in the Patent and Trademark Office (PTO) on January 6, 2005. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 6, 2005 as the date of receipt. The postcard lists, *inter alia*, that the filing included 2 pages of drawings.

The return postcard constitutes *prima facie* evidence that 2 pages of drawing figures were filed on January 6, 2005. MPEP 503. A review of the application file reveals that there is only 1 page of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. The $130.00 petition fee submitted with the instant petition will be credited to deposit account no. 08-0750.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **January 6, 2005**, using the copy of Figure 3 submitted with the instant petition. Office records will be corrected to show that 2 pages 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
Senior Petitions Attorney
Office of Petitions

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ORUM & ROTH
53 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3606

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JAN 23 2006

OFFICE OF PETITIONS

In re Application of :
Mark Mayer et al :
Application No. 60/642,170 : ON PETITION
Filed: January 7, 2005 :
Attorney Docket No. 13902 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2005, 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 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.

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. The Director may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition has been reviewed and found in compliance with the requirements for revival under 37 CFR 1.137(b). Accordingly, the instant petition under 37 CFR 1.137(b) is hereby **GRANTED.**

However, 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.

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 the Office of Initial Patent Examination.

Wan Laymon
Petitions Examiner
Office of Petitions

cc: FAY SHARPE FAGAN MINNICH & MCKEE
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114-2579

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DUNIESQUI RODRIGUEZ
7245 HOLLOWELL DR.
TAMPA, FL 33634

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OCT 13 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Duniesqui Rodriguez :
Application No. 60/642,394 :
Filed: January 7, 2005 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(a), filed July 5, 2006, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

The Notice to File Missing Parts of Provisional Application (Notice) was mailed January 28, 2005 giving the applicant two months to reply. The Office timely received the $20 statutory basic filing fee and the $25 late surcharge fee on March 10, 2005; therefore, the petition is dismissed as moot since this provisional application did not become abandoned for failure to reply to an outstanding office action.

A provisional application will not be regarded as pending after twelve months from its filing date. Since the application was filed on January 7, 2005, it will not be regarded as pending after January 7, 2006. See 37 CFR 1.137(g).

Since the petition is dismissed as moot, petitioner may request a refund of the $260 submitted on July 5, 2006 by writing to Mail Stop 16, Director of the U.S. 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE
SUITE 1200
ATLANTA GA 30361

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	
Application No. 60/642,643	:	ON PETITION
Filed: January 10, 2005	:	
Attorney Docket No.: PUL 101	:	

This is a decision on the petition filed June 17, 2005 requesting in effect that the Notice of Omitted Item(s)in a Provisional Application ("Notice") mailed April 21, 2005 be withdrawn.

The application was filed on January 10, 2005. However, on April 21, 2005, Initial Patent Examination Division mailed a Notice stating that the application had been accorded a filing date of January 10, 2005 and advising applicant that "figures 4B and 5B" described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends no drawings were omitted upon filing on January 10, 2005. Petitioner acknowledges the drawings submitted on January 10, 2005 were improperly labeled. Figure 3 should have been labeled figure 3A, Figure 3B and figure 3C. Figure 4 should have been labeled as figure 4A. Figure 5 should have been labeled as figure 4B. Figure 6 should have been labeled as 5A. Figure 7 should have been labeled figure 5B. Figure 8A should have been labeled as Figure 6A and Figure 8B should have been labeled as 6B.

The petition is accompanied by 6 sheets of drawings which includes labeled figures 4B and 5B.

The petition is Dismissed.

Applicant is not seeking to submit any additional drawings. However, the office was correct in stating that figure 4B and 5B appeared to have been omitted.

The "Notice" mailed April 21, 2005, was correct in advising applicant that figure 4B and 5B appeared to have been omitted, since no drawings labeled "figures 4B and 5B" were filed on January 10, 2005. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The petition is dismissed. Deposit Account No. 50-3129 will be charged the $400.00 petition fee. The petition fee will not be refunded as the petition was necessitated by the condition of the application on filing.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 10, 2005 .

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

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JUN 01 2005

OFFICE OF PETITIONS

In re Application of
Petros et al.
Application No. 60/642,743
Filed: January 10, 2005
Attorney Docket No. 1-05P

DECISION GRANTING PETITION

This is a decision on the petition filed April 18, 2005, requesting that a Notice of Omitted Items in a Provisional Application ("Notice") mailed April 1, 2005, be withdrawn.

The petition is GRANTED.

The application was filed on January 10, 2005. However, on April 1, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of January 10, 2005 but page 6 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends page 6 of the specification was filed on January 10, 2005. In support, the petition is accompanied by a copy of applicants' return postcard which states that 29 pages of specification were filed. The petition is further accompanied by page 6 of the specification.

Applicants' postcard receipt is prima facie evidence that 29 pages of specification were received on January 10, 2005, but page 6 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 29 pages of specification, claims and abstract were received on January 10, 2005, as shown in counsel's file, and later misplaced in the office.

Since original page 6 of the specification cannot be located in

the Office, page 6 supplied on April 18, 2005, will be used for processing purposes.

No Petition fee is due. Deposit account 07-1969 will be credited with the $400.00 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 January 10, 2005, using the substitute page 6 of the specification supplied on April 18, 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

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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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE
SUITE 1200
ATLANTA GA 30361

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of :
Schense et al. : DECISION GRANTING PETITION
Application No.60/642,848 :
Filed: January 10, 2005 :
Attorney Docket Number: KUROS 132(2) :
Title of Invention: Local Treatment of Bone Defects :

This is a decision on the petition under 37 CFR 1.10 (c) filed on April 28, 2005, requesting that the above-identified application be accorded a filing date of January 10, 2005.

Petitioner contends the application was deposited in Express Mail service on January 10, 2005. In support, petitioner supplied a copy of Express Mail receipt No. EV487327574US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The Express Mail Label shows a date-in of January 10, 2005.

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

The application has undergone pre-exam processing and a filing receipt was mailed on May 20, 2005, indicating that the application was accorded a filing date of January 10, 2005.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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APR 28 2005

OFFICE OF PETITIONS

Yeturu Aahlad
1040 Edgewater BLVD
Foster City, CA 94404

In re Application of :
Ashlad and Bhargava :
Application No. 60/643,258 : DECISION GRANTING PETITION
Filed: January 12, 2005 :
Attorney Docket No. :

This is a decision on the petition filed March 25, 2005, requesting that the above-identified application be accorded a filing date of January 12, 2005, with two sheets of drawings as part of the original disclosure.

On January 12, 2005, the above-identified application was filed. On February 2, 2005 the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application " (the "Notice"), stating that the application had not been accorded a filing date because drawings were not found with the application, but appeared to be required to understand the invention. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on March 25, 2005, applicants filed the present petition, a copy of two sheets of drawings, and a copy of the Office date-stamped postcard receipt acknowledging receipt of two sheets of drawings, among other items.

Upon review of the record, the drawings were not located among the original application papers. The evidence is convincing, however, that two sheets of drawings accompanied the original application papers. Therefore, the application, including the two sheets of drawings, was complete on filing and entitled to a filing date of January 12, 2005.

Accordingly, the petition is granted.

The petition fee of $200.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 12, 2005, including the two sheets of drawings filed on that date. A corrected filing receipt will be issued in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-32222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/643,289	01/11/2005		200	758.1916USP1	23		

CONFIRMATION NO. 6978

CORRECTED FILING RECEIPT

Attention of Randy Hillson
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

OC000000015782007

Date Mailed: 04/19/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Steven Scott Gieseke, Richfield, MN;
Robert A. Dushek, Bloomington, MN;
Carolyn J. Finnerty, Bloomington, MN;
Joe Israel, Minneapolis, MN;

Power of Attorney: The patent practitioners associated with Customer Number **23552**.

If Required, Foreign Filing License Granted: 03/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/643,289

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

Non-Publication Request: No

Early Publication Request: No

Title

Aerosol separator; 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. None

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AUG 0 3 2005

OFFICE OF PETITIONS

HARTMAN & HARTMAN, P.C.
552 EAST 700 NORTH
VALPARAISO IN 46383

In re Application of :
Thomas Nadrchal :
Application No. 60/643,360 :
Filed: June 17, 2005 : DECISION ON PETITION
Attorney Docket No. A5-1888 :
Title: SUNRISE ROOF VENTILATOR :

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

On January 13, 2005, the above-identified application was deposited. On May 18, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application - Filing Date Granted (notice)", advising applicant that the application had been accorded a filing date of January 13, 2005, and Figure 1 appeared to have been omitted on filing.

On June 17, 2005, Petitioner submitted this petition along with a copy of Figure 1. The petition fee has been charged to Peitioner's deposit account. Petitioner has set forth that he inadvertently included 2 copies of Figure 2 on filing, and inadvertently omitted Figure 1.

It is clear that Petitioner accepts the date of deposit of the formerly omitted drawing as the filing date for this application.

The petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 17, 2005, the date of receipt of the formerly omitted item (Figure 1), using the original application papers filed January

13, 2005, and the Figure submitted with the instant petition on June 17, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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Paper No. None

Francis Law Group
1942 Embarcadero
Oakland CA 94606

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MAY 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Mahmoud Ameri et al. :
Application No. 60/643,660 : DECISION ON PETITION
Filed: January 12, 2005 :
Attorney Docket No.: :
ALZ5133 USA3 :
Title: APPARATUS AND METHOD FOR :
TRANSDERMAL DELIVERY OF :
PARATHYROID HORMONE AGENTS

This is a decision on the petition filed April 15, 2005, requesting that the above-identified application, including Figures 1-16, be accorded a filing date of January 12, 2005 as part of the original disclosure.

The application was deposited on January 12, 2005. However, on April 8, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of drawings.

In response, on April 15, 2005, applicants filed the present petition. The petition is further accompanied by a copy of nine sheets of drawings containing Figures 1-16, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawing Sheets 9 Sheets" in the United States Patent and Trademark Office (Office) on January 12, 2005. Applicants request that Figures 1-16 be accorded a filing date of January 12, 2005.

No sheets of drawings have been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on January 12, 2005 included 9 sheets of drawings, and each of these sheets was subsequently misplaced in the Office.

Therefore, the application, including Figures 1-16, was complete on filing and entitled to a filing date of January 12, 2005 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed April 8, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to OIPE for further processing with a filing date of January 12, 2005, using the original application papers filed on that date, as well as Figures 1-16 submitted on April 15, 2005, and for noting 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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Commissioner for Patents
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HURLEY RE
747 SW MILL VIEW WAY
BEND, OR 97702

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SEP 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Cooper et al. :
Application No. 60/643,799 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. 2896-10 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 9, 2008, to revive the above-identified application.

The petition is **DISMISSED** because it is not signed by all of the applicants. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states:

Amendments and other papers filed in the application must be signed by:

> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein, John Arthur Cooper was ever given a power of attorney to act on behalf of inventors Sara Catherine Frye and Bruce Edward Johnesn, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b)[1], the petition is considered to not contain a proper statement of unintentional delay.

[1] 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 37 CFR 3.73(b) statement is enclosed.

Further, there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional. There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 would not be granted where the abandonment or the failure to pay the fee for issuing the patent was intentional as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (almost 3 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on July 19, 2005. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as Hurley Re was counsel of record at the time of abandonment, Hurley Re should explain why this application became abandoned while it was under their control and what efforts he made to further reply of itself and with whom this matter was discussed outside of Hurley Re. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required

from responsible person(s), Hurley Re and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then at Hurley Re, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over 2 years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from Hurley Re and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the

application. See also New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

Any renewed petition may be addressed as follows:

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

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

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Statement Under 37 CFR 3.73(b)
Privacy Act Statement

cc: JOHN ARTHUR COOPER
10180 SW NIMBUS AVE. SUITE J6
PORTLAND, OR 97223

PTO/SB/96 (08-08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Telephone Number

_____
Title

This collection of information is required by 37 CFR 3.73(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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

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GOFF PATENT LAW PLLC
P.O. BOX 625
BRUSH PRAIRIE, WA 98606

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OFFICE OF PETITIONS

In re Application of :
Cooper et al. :
Application No. 60/643,799 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. 0013-0024-01 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2008 and supplemented on December 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to the Notice to File Missing Parts of Provisional Application, mailed April 18, 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 June 19, 2005. On May 9, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 24, 2008. In response, the present petition was filed.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the fee of $130 for a specification containing more than 100 pages, (2) the petition fee of $770, and (3) an adequate statement of unintentional delay.

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

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/643,814	06/14/2005		200	050102P1	1		

CONFIRMATION NO. 2846

CORRECTED FILING RECEIPT

OC000000017531993

23696
QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Date Mailed: 11/28/2005

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 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)

Byoung-Hoon Kim, San Diego, CA;
Manuel Flury, San Diego, CA;
Xiaoxia Zhang, San Diego, CA;

Power of Attorney:

George Oehling--40471

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 US60/643,814

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

Non-Publication Request: No

Early Publication Request: No

Title

Optimal weights for MMSE space-time equalizer of multicode CDMA system

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/643,814	01/14/2005		200	050102P1	1		

CONFIRMATION NO. 2846

CORRECTED FILING RECEIPT

OC000000017843884

23696
QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Date Mailed: 01/13/2006

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)

Byoung-Hoon Kim, San Diego, CA;
Manuel Flury, San Diego, CA;
Xiaoxia Zhang, San Diego, CA;

Power of Attorney:

George Oehling--40471

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 US60/643,814

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Optimal weights for MMSE space-time equalizer of multicode CDMA system

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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GRANTED

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Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

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MAR 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Hsia et al. :
Application No. 60/643,832 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. 19113.0118U1 :

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3282.

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

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NEWARK NJ 07102

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JUN 17 2005

OFFICE OF PETITIONS

In re Application of :
Yigong Shi :DECISION GRANTING FILING
Application No. 60/643,943 :DATE OF December 30, 2004
Filed: December 30, 2004 :
Attorney Docket No. 7616/99/129 :

This is a decision on the petition under 37 CFR 1.10(c), filed February 28, 2005, requesting that the above-identified application be accorded a filing date of December 30, 2004, rather than the presently accorded date of January 3, 2005.

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 30, 2004, pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of the Express Mail label No. EV335727905US showing a date in of December 30, 2004. 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 December 30, 2004.

The petition is **granted**.

The application file is being referred to the Office of Initial Patent Examination for processing with a filing date of **December 30, 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

Conferee: Frances Hicks

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COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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MAY 11 2005

OFFICE OF PETITIONS

In re Application of
Richard S. Geary et al.
Application No. 60/644,104
Filed: January 13, 2005
Attorney Docket No. FMDL0006US.L3

: DECISION GRANTING PETITION

This is a decision on the petition filed April 6, 2005, requesting that the above-identified provisional application be accorded a filing date of January 13, 2005, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on January 13, 2005, without drawings. Accordingly, on February 17, 2005, 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 1) that the present application is "related" to provisional application no. 60/516,995 filed November 3, 2003 and incorporates the prior application by reference and 2) that drawings are not necessary for an understanding of the subject matter sought to be patented.

The argument regarding the incorporation by reference fails because the relationship between the two provisional applications required for a proper priority claim has not been established.

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

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter

discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the 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 February 17, 2005, was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged. Petitioner is advised however that if a petition fee had been required it would have been in the amount of $400.00 and not $130.00.[1]

The application is accorded a filing date of January 13, 2005, 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 January 13, 2005, 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

[1]Effective November 22, 2004, the petition fee was increased from $130.00 to $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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PRICE HENEVELD COOPER DEWITT & LITTON LLP
695 KENMOOR SE
P O BOX 2567
GRAND RAPIDS MI 49501

In re
Cheree L.B. Stevens
Application No. 60/644,242
Filed: January 14, 2005
Attorney Docket No. ADV12 PP-313

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed October 2, 2009.

The fee deficiency submission under 37 CFR 1.28 of $110 (representing the difference between the small entity and large entity provisional application filing fee) is hereby **accepted.**

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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CHIRON CORPORATION
INTELLECTUAL PROPERTY - R440
P.O. BOX 8097
EMMERYVILLE, CA 94662

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of :
Puretz et al. :
Application No. 60/644,314 :
Filed: January 13, 2005 :
Atty Dckt No.: PP028003.0001 : ON PETITION

This is a decision in response to the Petition Pursuant to 37 CFR § 1.10(c) to Accord a Filing Date, filed June 23, 2005, requesting the application be accorded a filing date of January 13, 2005, instead of the presently accorded filing date of January 14, 2005.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on January 13, 2005. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV514185113US. A review of the Express Mail label, No. EV514185113US, reveals that the "Date In" indicated on the Express Mail label is January 13, 2005. 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. A refund of the petition fee has been credited to deposit account 18-1648, as authorized in the petition.

A Corrected Filing Receipt accompanies this Decision.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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United States Patent and Trademark Office
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Paper No.

Yuh-Shen Song
19848 Turtle Springs Way
Northridge, CA 91326

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JAN 2 7 2006

OFFICE OF PETITIONS

In re Application of	:	
Song et al.	:	DECISION ON
Application No. 60/644,752	:	PETITION
Filed: January 19, 2005	:	
Title: LIFE SAVING CELLULAR PHONE	:	

This is in response to the letter filed December 15, 2005, requesting revival of the above-identified provisional application.

The above-identified provisional application became abandoned for failure to timely or properly reply to the NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION mailed February 9, 2005. This Notice set a two (2) month time limit for reply, with extensions of time obtainable pursuant to 37 CFR 1.136(a). No reply having been filed and no extension of time obtained, the application became abandoned effective April 10, 2005. A courtesy Notice of Abandonment was mailed on October 20, 2005.

On December 15, 2005, applicant filed the instant letter, asserting that the abandonment was both unavoidable and unintentional. Applicant states that they did not receive the Notice. Moreover, they were also sick in the past few months. Applicant included the response to the Notice, payment of the $45 due. However, the petition did not include payment of the petition fee for either consideration based on unavoidable or unintentional delay.

Petitioner is advised that an application abandoned for failure to timely or properly reply to the NOTICE TO FILE MISSING PARTS may be revived upon the granting of a petition under either 37 CFR §1.137(a) based on unavoidable delay, or 37 CFR §1.137(b) based on unintentional delay. Pursuant to § 1.137(g), a provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to this section. Subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

Petitioner has submitted some explanation for the delay in replying. In part applicant explains that the Office action was not received. However, the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. Applicant has not satisfied this showing.

Likewise, petitioner has not submitted the petition fee for consideration under either of the provisions for revival. Payment of the petition fee is a statutory prerequisite to consideration of the petition on the merits. See 35 USC 41(a)(7). This requirement cannot be waived.

Accordingly, the petition must be **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)," or "Renewed Petitions under 37 C.F.R. § 1.137(a)."

In order for the petition to revive to be considered, petitioner must submit a grantable petition under either §1.137(a) or §1.137(b), including the appropriate petition fee. As stated on the NOTICE OF ABANDONMENT, the requirements of §§ 1.137(a) and (b) are:

§ 1.137(a)

A grantable petition to revive an unavoidably abandoned application under 37 C.F.R. §1.137(a) must be accompanied by:

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

Requirement (1) above has been met. Requirement (4) is not applicable to this case.

Petitioner should be aware, however, that the burden of showing the cause of the delay is on the person seeking to revive the application. Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. 977, 982 (D.C. Cir. 1982). The showing required under § 1.137(a) is exacting. A showing of preoccupation with other matters is usually not sufficient to make an adequate showing of "unavoidable" delay. (In Smith v. Diamond, the Court held that an attorney's preoccupation with other matters that took precedence over responding to the dismissal of the petition mailed December 16, 1986 in this case does not justify a lack of diligence in filing the renewed petition until March 8, 1988. 209 U.S.P.Q. 1091 (D.D.C. 1981). Likewise, a delay was not found to be unavoidable where the petitioner cited a heavy workload by the attorney handling the petition in the present application as being a factor in causing the delay. In re Takeo, 17 U.S.P.Q. 2d (BNA) 1155 (Comm'r Pat. & Trademarks Feb. 27, 1990)).

§ 1.137(b)

On the other hand, the standard for revival under the unintentional standard is less stringent. A grantable petition to revive an unintentionally abandoned application under §1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Requirement (1) above has been met. Requirement (4) is not applicable to this case.

Regardless, any petition should be filed promptly. A grantable petition requires a showing that the entire period of delay, including the delay in filing a grantable petition be shown to have been either unavoidable or unintentional. Any delay in filing such a petition will be considered in determining whether patentee has made a showing of unavoidable or unintentional delay.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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JAN 25 2006

OFFICE OF PETITIONS

In re Application of	:	
Martin C. Fields	:	
Application No. 60/644,775	:	ON PETITION
Filed: 19 January, 2005	:	
For: RECESSED PASSAGE	:	
COMBUSTION ENGINE INTAKE	:	
STRUCTURE AND WORKING PROCESS	:	

This is a decision on the paper styled under 37 CFR 1.137(b), filed on 2 December, 2005, which, in the absence of a fee, is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.[1]

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 described within, under 37 CFR 1.137(a) or (b). This is not a final agency action.

This application became abandoned on 8 April, 2005, for failure to file a timely reply to the Notice to File Missing Parts of Provisional Application mailed on 7 February, 2005, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 20 October, 2005.

In the absence of the petition fee, which is required by law, the PTO can only treat the instant petition as a (feeless 1.181)

[1] In the absence of the petition fee, which is required by law, the PTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment. See Krahn v. Commr, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

petition to withdraw the holding of abandonment.[2] The PTO will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.[3]

Petitioner asserts that the holding of abandonment should be withdrawn because the Notice to File Missing Parts of Provisional Application was underneath the Filing Receipt when the papers were received by applicant from the USPTO, and applicant overlooked the Notice requiring payment of fees.

The showing of record has been considered, but is not persuasive. Petitioner clearly did not submit a complete reply in that the $45.00 of additional fees were not submitted as required by the Notice mailed on 7 February, 2005. In order to be complete, a reply must be fully responsive to the outstanding Office communication. Petitioner was given notice, as was mailed on 7 February, 2005, that additional fees were required to avoid abandonment. The failure of petitioner to review all documentation received from the office represents an error on the part of petitioner, not the USPTO. As the showing of record is that a reply was never filed, the holding of abandonment was proper and will not be withdrawn.

Petitioner has provided no evidence that he timely submitted payment of the fees. Further, mistake or inadvertence on the part of the petitioner does not merit withdrawal of the holding of abandonment. Rather, if the abandonment was unintentional, petitioner must submit a proper petition under 37 CFR 1.137(b), accompanied by the fee required by law.

ALTERNATIVE VENUE

Alternatively, petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). 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 a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to

---

[2] See Krahn v. Commr, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

[3] MPEP 711.03(c); see 35 U.S.C. 41(a)(7).

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)).

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).

Should petitioner decide to file a petition under 37 CFR 1.137(b), the current small-entity fee for a petition under 37 CFR 1.137(b) is $750.00.

A copy of the form for filing a petition under 37 CFR 1.137(b) is enclosed for petitioner's reference.

The address listed on the petition is different from the correspondence address. A courtesy copy of this decision will be mailed to the address on the petition. All future correspondence will be mailed solely to the address of record. A change of correspondence address should be filed if petitioner's address has changed. A copy of the change of correspondence address form is enclosed for petitioner's reference.

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

Application No. 60/644,775

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

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

Telephone inquiries 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

cc: Martin Fields
Faith Air
2718 Seminary Court
Louisville KY 40206-2857

cf: PTO/SB/64
PTO/SB/122
Fee Schedule FY05
Privacy Act Stmt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, NY 10036

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SEP 19 2005
OFFICE OF PETITIONS

In re Application of	:	
Zheng Dexian, et al.	:	
Application No. 60/644,782	:	DECISION GRANTING
Filed: January 13, 2005	:	PETITION
Attorney Docket No. 72175-PRO/RDK	:	

This is a decision on the petition filed May 12, 2005, requesting that the above-identified application be accorded a filing date of January 13, 2005, rather than the presently accorded date of January 19, 2005. 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 January 13, 2005 pursuant to 37 CFR 1.10. The "date-in" on the copy of the Express Mail label receipt no. EV325708875US is blank, but the Express Mail label contains a U. S. Postal Service (USPS) receipt stamp dated January 13, 2005. 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 shows that the package in question was accepted on January 13, 2005, not January 19, 2005. Since the USPS date stamp corroborates a "date-in" of January 13, 2005, 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 **January 13, 2005** 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
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DIW Dec-05

COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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DEC 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Elena Fienstein :
Application No. 60/644,783 : DECISION ON PETITION
Filed: 19 January, 2005 :
Atty Docket No. 73732-PRO :

This is a decision on the petition filed on 18 April, 2005, under 37 CFR 1.53 which is treated as a petition requesting that the above-identified application be accorded a filing date of 19 January, 2005, with Page 12 of the specification as a part of the original disclosure. This is also a decision on the petition filed on 18 April, 2005, under 37 CFR 1.10(c), to accord the application a filing date of 13 January, 2005.

The petition under 37 CFR 1.53 is granted.

The petition under 37 CFR 1.10(c) is dismissed.

PETITION UNDER 37 CFR 1.53

The application was filed on 19 January, 2005.

Accordingly, on 11 March, 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 January, 2005, but that Page 12 of the specification (description and claims) appeared to have been omitted.

In response, on 18 April, 2005, the present petition and a copy of, *inter alia*, Page 12 of the specification were filed. Petitioners argue that Page 12 of the specification was filed with the other application papers on present on filing, 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 "011905" and the above-identified application number on the reverse, and identifies the application by the attorney docket number and inventor's name, and

acknowledges receipt of, *inter alia*, 37 pages of specification. Petitioner, in essence, requests that the application, including Page 37 of the specification, be accorded a filing date of 19 January, 2005.

A review of the record reveals that 36 pages of specification, consisting of Pages 1-11, and 13-37 were received on 19 January, 2005. No Page 12 is located among the pages of specification received on that date. However, the evidence is convincing that the application papers deposited on 19 January, 2005, included Page 12 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 12 of the specification, is entitled to a filing date of 19 January, 2005.

The "Notice" mailed on 11 March, 2005, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, No. 03-3125, as the petition was necessitated by Office error.

PETITION UNDER 37 CFR 1.10(c)

Petitioner alleges that the application was deposited in Express Mail service on 13 January, 2005.

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. Although the petition states that a copy of the Express Mail mailing label was included therewith, no copy of any Express Mail label is located among the papers received with the petition filed on 18 April, 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

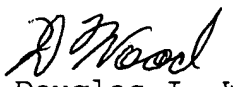
By FAX: (571) 273-8300
Attn: Office of Petitions

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

The application will be processed with the copy of Page 12 of the specification supplied on 18 April, 2005, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 19 January, 2005, using the application papers filed on that date and the copy of Page 12 of the specification supplied with the present petition.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Jeff Libby
W156 N7840 Pilgrim Road
Menomonee Falls WI 53051-7315

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NOV 0 8 2005

OFFICE OF PETITIONS

In re Application of
Jeff Libby
Application No. 60/644,810
Filed: January 19, 2005
Title: EZ EATER - A.K.A. - FAST FOOD HOLDER

DECISION ON PETITION
UNDER 37 C.F.R. §1.181

This is a decision on the petition filed on October 27, 2005 under 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed February 15, 2005, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 16, 2005. A Notice of Abandonment was mailed October 20, 2005.

With the present petition, Petitioner contends that the notice was not received, and has indicated that he has searched his files (where the missing communication would be located had it been received), and the missing communication has not been located.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**

The Office of Initial Patent Examination will be notified of this decision, so that the notice can be re-mailed, and the time period for response can be restarted.

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
60/644,903	01/19/2005		200	DON01 P-1202	6		

CONFIRMATION NO. 8872

CORRECTED FILING RECEIPT

OC000000016223029

28101
VAN DYKE, GARDNER, LINN AND BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E.
P.O. BOX 888695
GRAND RAPIDS, MI 49588-8695

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)

Donald C. Byers, Marne, MI;
Hamid Habibi, Holland, MI;
Niall R. Lynam, Holland, MI;
Ian A. McCabe, Holland, MI;

Power of Attorney: The patent practitioners associated with Customer Number **28101**.

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 US60/644,903

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

Non-Publication Request: No

Early Publication Request: No

Title

Mirror assembly with heater element

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
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JOSEPH R EVANNS
EVANNS & WALSH
119 N SAN VICENTE BLVD
STE 206
BEVERLY HILLS CA 90211

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OFFICE OF PETITIONS

In re Application of	:	
Friedheim, et al.	:	
Application No. 60/644,904	:	ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No. 1776-015	:	

This is a decision on the alternative petition to withdraw the holding of abandonment under 37 CFR 1.181 and the petition to revive under 37 CFR 1.137(b), filed December 29, 2005.

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

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts of Provisional Application, mailed February 22, 2005. This Office action set an extendable period for reply of two (2) months for applicant to submit the balance of the filing fee due, together with the surcharge for its late filing. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on April 23, 2005. A Notice of Abandonment was mailed on October 27, 2005.

Petitioner states that he never received the Notice to File Missing Parts.

Petition Under 37 CFR 1.181:

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the **docket record** where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

With the instant petition, applicant has not submitted a copy of the docket report where the Notice to File Missing Parts would have been entered had it been received and docketed.

Petition Under 37 CFR 1.137(b):

With the instant petition, applicant has paid the petition fee, submitted the required reply in the form of the balance of the statutory basic filing fee and the surcharge for its late filing, and made a proper statement of unintentional delay.[4]

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II) (emphasis added).

[3] Id.

[4] 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. 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.

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Alexandria, VA 22313-1450
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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OCT 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Neitzel, Martin	:	
Application No. 60/645,137	:	ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No. 04-756	:	

This is a decision on the petition filed September 19, 2005, requesting that the above-identified application be accorded a filing date of January 18, 2005, rather than the presently accorded date of January 19, 2005. 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 January 18, 2005 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of a postal service sales receipt, which shows Express Mail label No. EV 596661474 US as having a receipt date of January 18, 2005 and a Track & Confirm record showing that the package in question was accepted on January 18, 2005, at 6:39 p.m. at the Chicago, IL USPS. 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 January 18, 2005 on the transmittal paper.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on January 18, 2005.

The petition is **GRANTED**.

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

Frances Hicks
Petitions Examiner
Office of Petitions

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11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

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APR 0 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Mendenhall et al.	:	
Application No. 60/645,208	:	DECISION ON PETITION
Filed: January 19, 2005	:	
Attorney Docket No. 27313-76596	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.10(d)," filed March 23, 2005, requesting that the above-identified application be accorded a filing date of January 19, 2005, rather than the presently accorded filing date of January 21, 2005. This petition is properly considered under § 1.10(c).[1]

---

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

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

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

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

In essence, 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 January 19, 2005, under Express Mail mailing label No. EV404965284US, pursuant to § 1.10(a). However, the Office incorrectly accorded the application a filing date of January 21, 2005. In support thereof, petitioner submits *inter alia* copies of the original "Express Mail" mailing label; the USPS Pickup Service Statement and the USPS Track and Confirm report associated with this "Express Mail" mailing label.

The instant petition was filed promptly within the meaning of § 1.10(c)(1). Furthermore, a review of the provisional application cover sheet (identifying the items being filed) and presently accorded a filing date of January 21, 2005 reveals that "Express Mail" mailing label No. EV404965284US is present on the cover sheet for the provisional application. Thus, it is concluded that the number was placed on the papers that constitute the correspondence prior to mailing as required by § 1.10(c)(2)

Moreover, the "Express Mail" mailing label is one used for "Post Office to Addressee Service" and shows a "date-in" of January 19, 2005. The evidence of date of deposit is further corroborated by the USPS Pickup Service Statement and the USPS Track & Confirm report, which both support a conclusion that the "Express Mail" package mailed under No. EV404965284US was picked up by a USPS employee and en route on January 19, 2005.

In view thereof, the petition is granted.

No petition fee is necessary and none has been charged.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. This application is, thereby, being sent to OIPE for correction of the filing date to January 19, 2005 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
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

Dunlap, Codding & Rogers, P.C.
P. O. Box 16370
Oklahoma City, OK 73113

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MAR 23 2005

OFFICE OF PETITIONS

In re Application of :
Jeffrey B. Horton :
Application No. 60/645,579 : DECISION DISMISSING
Filed: January 18, 2005 : PETITION
Attorney Docket No. 3904.001 :

This is a decision on the petition filed March 2, 2005, requesting that the above-identified application be accorded a filing date of January 16, 2005, rather than the presently accorded date of January 18, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). **No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted.** If reconsideration is not requested within the time period specified above, this application will be referred to the Files Repository with the presently accorded filing date of January 18, 2005.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on January 16, 2005, pursuant to the requirements of 37 CFR 1.10.

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).

Petitioner asserts that the package in question was deposited in an "Express Mail Collection Box" on Sunday, January 16, 2005. Petitioner further asserts that he made an inquiry to the USPS to confirm that packages deposited in the said collection box would, in fact, be collected on Sundays at the times listed on the drop box. Petitioner alleges that a USPS staff person verified that the package would be picked up on Sunday, January 16, 2005 by 9:30 pm. As a result, petitioner allegedly deposited the package in the drop box. In support, petitioner has provided a copy of Express Mail label number EV463245425US (the same Express Mail number found on the original application papers located in the official file), which shows a date-in of January 18, 2005.

37 CFR 1.10(d) sets forth procedures for filing a petition to accord a filing date as of the actual date of deposit with the USPS, where the "date-in" or other official notation is incorrectly entered by the USPS. Such a petition should:

(A) be 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;
(B) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and
(C) include a showing that the correspondence was deposited as "Express Mail" prior to the last scheduled pickup on the requested filing date.

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 correspondence as "Express Mail. Evidence from the USPS may be the "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, 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.

A person 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.

37 CFR 1.10(b) provides 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 win and "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. 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.

Parties who use drop boxes can protect themselves from uncertainty due to illegible mailing labels, or in this instance, an alleged incorrect "date-in," 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), or (e).

While petitioner has provided a photograph of the Express Mail drop box, which shows the scheduled pickup times, petitioner has not provided any evidence to corroborate that the package in question was, in fact, deposited in the drop box **prior** to the last pickup on Sunday, January 16, 2005. The Office cannot rely solely on petitioner's statement since the statement was created more than one business day after the deposit of the application. Moreover, a search of the USPS' Express Mail Track and Confirm database was made and confirms that the package bearing Express Mail label No. EV463245425US was accepted on January 18, 2005 at 3:34 am. Unless petitioner can present an "Express Mail" Corporate Account Mailing Statement showing the Express Mail number and the date of deposit as January 16, 2005, or a log book showing January 16, 2005 as the date of the deposit, the Express Mail number, attorney docket number or some other file identification number, the current filing date of the application will be retained.

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, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3223.

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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ALEXANDRIA, VA 22313-1450
www.uspto.gov

DUNLAP, CODDING & ROGERS, P.C.
P.O. BOX 16370
OKLAHOMA CITY, OK 73113

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JAN 11 2006

OFFICE OF PETITIONS

In re Application of :
Jeffrey B. Horton :
Application No. 60/645,579 :
Filed: January 16, 2005 : ON PETITION
Attorney Docket No. 3904.001 :

This is a decision on the Response to Decision Dismissing Petition, filed May 18, 2005, requesting that the above-identified application be accorded a filing date of January 16, 2005, rather than the presently accorded filing date of January 18, 2005. The petition is properly treated as a Request for Reconsideration of Petition Under 37 CFR 1.10(d).

Petitioner alleges that the application was deposited in Express Mail service on January 16, 2005. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that January 16, 2005 was the date the correspondence was deposited Express Mail Post Office to Addressee.

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

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to January 16, 2005, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 273-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/645,579	01/16/2005		100	3904.001	18		

CONFIRMATION NO. 9280

30589
DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

CORRECTED FILING RECEIPT

OC000000017853119

Date Mailed: 01/17/2006

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)

Jeffrey B. Horton, Oklahoma City, OK;

Power of Attorney:

Christopher Corbett--36109

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 US60/645,579

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

Cam connecting shaft and method of use

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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CHASE LAW FIRM L.C.
4400 COLLEGE BOULEVARD
SUITE 130
OVERLAND PARK, KS 66211

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OFFICE OF PETITIONS

In re Application of	:	
Cody Stetler	:	DECISION DISMISSING
Application No. 60/645,970	:	PETITION
Filed: January 22, 2005	:	
Attorney Docket No. 3584	:	

This is a decision on the petition filed February 28, 2005, requesting that the above-identified application be accorded a filing date of January 21, 2005, rather than the presently accorded filing date of January 22, 2005.

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 January 21, 2005, pursuant to the requirements of 37 CFR 1.10. In support, the petition is accompanied by, *inter alia*, a copy of the Express Mail receipt No. EV495540225US showing a "date-in" of January 22, 2005. Further, the petition is accompanied by a copy of the USPS sales receipt which indicates that Express Mail label No. **EW222403435US** was accepted on January 21, 2005. In further support, the petition is accompanied a letter from Curtis Meek, Supervisor, Customer Service, Blue Valley Branch, stating that the Express Mail label No. **EW222403435US** was purchased on January 21, 2005.

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." 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.

It is noted that the letter from the USPS, dated February 18, 2005, and the postage sales receipt indicate the Express Mail label No. as **EW222403435US**. However, the Express Mail label number on the application papers is **EV495540225US**. As such, petitioner has not provided persuasive evidence that he deposited the Express Mail package, bearing Express Mail label No. **EV495540225US**, with the USPS on January 21, 2005. In the absence of such evidence, the petition must be dismissed.

Moreover, assuming arguendo the correct Express Mail label number was indicated on the letter from the USPS and the postage sales receipt, the letter states that the postage for the Express Mail package was purchased on January 21, 2005, after the last pickup of the day for the Blue Valley Branch. The mere fact that the postage was purchased on January 21, 2005, does not equate to the acceptance of the Express Mail package by the USPS on that date. While it is

unfortunate that petitioner received incorrect information from the USPS clerk as to the time of the last pickup of the day and the mailing procedures, the fact remains that petitioner did not provide persuasive evidence that the Express Mail package was accepted by the USPS on January 21, 2005. Therefore, the application cannot be accorded a filing date of January 21, 2005. Rather, the application will be accorded a filing date of january 22, 2005, the date the Express Mail package was accepted by the USPS as evidenced by the date-in on the Express Mail label.

No fee is required and none has been charged.

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

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

By hand: Customer Service Window
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 with the presently effective filing date of January 22, 2005.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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OVERLAND PARK KS 66211

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OFFICE OF PETITIONS

In re Application of :
STETLER :
Application No. 60/645,970 :
Filed: January 22, 2005 :
Attorney Docket No. 3584 :

DECISION
ON PETITION

This is a decision on a renewed petition under 37 CFR 1.10(d), filed May 25, 2005, requesting the above-identified application be accorded a filing date of January 21, 2005 rather than the presently accorded filing date of January 22, 2005.

The petition is **DISMISSED**.

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 January 21, 2005, pursuant to the requirements of 37 CFR 1.10. In support, the petition is accompanied by a copy of two tracking emails from the USPS to Mr. Mark E. Brown, which show the date and time of the Express Mail service for packages EV49 5540 225US and EW22 2403 435US as January 22, 2005 at 11:14 a.m. Further, the petition is accompanied by a letter dated May 25, 2005 and signed by Mr. Curtis Meek (hereafter Meek), Supervisor Customer Service of the USPS, Blue Valley Post Office, now stating that the "Express Mail package EV495540225US was deposited with and accepted by the USPS on January 21, 2005." In a previous petition filed February 28, 2005, a copy of the Express Mail Label No. EV495540225US (Exhibit D) showing a "Date In" of January 22, 2005 and a "Time In" of 11:15 a.m. and a copy of the USPS sales receipt (Exhibit C) indicating that Express Mail No. EW222403435US was purchased on January 21, 2005 at 5:25 p.m. accompanied the petition. The previous petition was also accompanied by, *inter alia*, a letter from Meek dated February 18, 2005 (Exhibit G), which discussed Express Mail No. EW222403435US, a declaration from Debra K. Denlinger (Exhibit E), and a declaration from Arthur Shaffer (Exhibit F).

Relevant portions of paragraph (a) of 37 CFR 1.10 states:

> (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. (Emphasis added.)

Relevant portions of paragraph (d) of 37 CFR 1.10 states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation

entered by the USPS 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:

. . .

(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 added.)

Taking all the evidence submitted in total, there is still an insufficient showing to establish to the satisfaction of the Director of the USPTO that the requested filing date of January 21, 2005 was the date the above-identified application was deposited in the "Express Mail Post office to Addressee" service prior to the last scheduled pickup for January 21, 2005. In the USPS letter dated May 25, 2005, Meek states that "[b]ased on the attached USPS Track and Confirm information for Express Mail packages EW222403435US and EV495540225US, Express Mail package EV495540225US was deposited with and accepted by the USPS on January 21, 2005." This statement, however, conflicts with all the other evidence provided by the petitioner. First, the USPS letter dated February 18, 2005 (Exhibit G) states that the "Express Mail piece was purchased on 1-21-05 at 5:25 p.m. at our automated postal center, located at the Blue Valley Branch. You were told by window clerk that the last pick up for that site is 6:00 p.m., however it is actually 5:15 p.m." (Emphasis added.) Second, the purported receipt (Exhibit C) from the USPS automatic postage machine for Express Mail No. EV495540225US (bears the tracking number EW222403435US[1]) has the date of January 21, 2005 with time of 5:25 p.m. Third, Arthur Shaffer (hereafter Shaffer) states that he "received a receipt, dated "1/21/05" and time stamped "05:25PM"." This time stamp of 5:25 p.m. is after the last pick up time of 5:15 p.m. for the Blue Valley Post Office. Fourth, the Express Mail No. EV495540225US label (Exhibit D) bears the "Date In" of "1/22/05" and the "Time In" of "11[15]" a.m. Fifth, the tracking information emailed to Mr. Mark E. Brown from the USPS shows the acceptance of the deposit for Express Mail No. EV 495540225US was January 22, 2005 at 11:14 a.m. All this evidence shows that the above-identified application was submitted to the Blue Valley Post Office after the last pick up time for January 21, 2005.

As 37 CFR 1.10(d)(3) states, a petition to accord the correct "date-in" must include a showing that the "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." MPEP 513.VI. also explains "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."

---

[1] There remains some confusion regarding whether the Tracking No. EW222403435US on the receipt relates to Express Mail No. EV495540225 US for the above-identified application. In the decision mailed May 4, 2005, it was noted that USPS letter dated February 18, 2005 and the postage sales receipt refer to number EW222403435US and that the Express Mail Number for the above-identified application is EV495540225 US. In the USPS letter dated May 25, 2005, Meek explains "[t]he Express Mail package EV495540226US also bore the additional Express Mail number EW222403435US, which corresponds to the Express Mail postage purchased at the USPS automatic postage machine on January 21, 2005. The Express Mail package thus had both numbers on it when it was deposited with and accepted by the USPS on January 21, 2005."

Moreover, "[s]ection 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to last scheduled pick up of the day, that is, the time clearly marked on the Express Mail drop box indicating when the box will be cleared for the last time on the date of deposit." See 61 Fed. Reg. 56439, 56445-46 (November 1, 1996). Meek's statements on February 18 and May 25, 2005 do not corroborate that the Express Mail package EV 495540225US was deposited on January 21, 2005 prior to the last pickup time of the Blue Valley Post Office of 5:15 p.m. Further, no evidence has been provided with the petitions filed February 28, 2005 or May 25, 2005 that came into being after deposit of and within one business day of the deposit of the above-identified application associated with Express Mail No. EV 495540225US. As such, the required corroborating evidence outlined in 37 CFR 1.10(d)(3) has not been provided demonstrating the correct "date-in" on Express Mail No. EV 495540225US should have been January 21, 2005.

Office policy also indicates in MPEP 513.II. that "[t]he "date-in" on the "Express Mail" mailing label must be completed by the USPS, not by the applicant." (Emphasis added.) "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 employee, through the insertion of a "date-in," or other official USPS notation, on the Express Mail mailing label." 61 Fed. Reg. 56439, 56443 (November 1, 1996). On this occasion, Shaffer admits "[o]n the Express Mail Mailing Label EV 495540225 US" "Date Accepted" box, I entered the current date of "1/21/05"." He, and not a USPS employee, entered the date of "1/21/05" on the label. Furthermore as evidenced by Express Mail No. EV495540225US and Meek's statement in the USPS letter of February 18, 2005 stating, "[t]he date on the manifest label was changed to show 1-22-05[,]" the USPS employee entered the "date-in" as "1/22/05[.]" As such and since the "date-in" entered by the USPS for Express Mail No. EV495540225US was January 22, 2005, the evidence demonstrates that January 22, 2005 was the correct date of deposit with the USPS for the above-identified application.

Finally, Meek states in the USPS letter of February 18, 2005 that Shaffer was "also instructed by a clerk to place the mail piece in the collection point after pick up time and the clerk failed to collect the piece and it was not processed until the next day, 1-22-05[.]" As 37 CFR 1.10(b) states, "[p]ersons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving the desired "date-in" clearly marked." (Emphasis added.) Furthermore, "[p]arties 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 after deposit with the USPS in a petition filed under Sec. 1.10 (c), (d) and (e)." 61 Fed. Reg. 56439, 56445 (November 1, 1996). There is no evidence in the record that Shaffer maintained such a log of his Express Mail deposits. Thus by placing Express Mail No. EV495540225US in the collection point, Shaffer ran the risk of not receiving and did not receive the desired date of a deposit for this package with the USPS.

In summary with the exception of Meek's statement in the USPS letter of May 25, 2005, the evidence demonstrates that the application was deposited on January 22, 2005 with the USPS since the Express Mail package EV495540225US was placed in the collection box after the last pick up time at the Blue Valley Post Office for January 21, 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 hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

This matter is being refereed to the Office of Initial Patent Examination with the present effective filing date of January 22, 2005.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

CHASE LAW FIRM L.C
4400 COLLEGE BOULEVARD, SUITE 130
OVERLAND PARK KS 66211

In re Application of :
STETLER :
Application No. 60/645,970 :
Filed: January 22, 2005 :
Attorney Docket No. 3584 :

DECISION
ON PETITION

This is a decision on a renewed petition under 37 CFR 1.10(d), filed January 3, 2006, requesting the above-identified application be accorded a filing date of January 21, 2005 rather than the presently accorded filing date of January 22, 2005.

The petition is **DISMISSED as moot.**

In a letter dated March 3, 2006, Applicant withdrew the Request for Reconsideration of Decision on Petition to Correct Filing Date submitted January 3, 2006. The renewed petition will, thereby, not be considered further.

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

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

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

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

This matter is being referred to the Office of Initial Patent Examination with the present effective filing date of January 22, 2005.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

Frances Hicks

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
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STRATEGIC PATENTS P.C.
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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MAR 2 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Miliefsky et al.	:	
Application No. 60/646,336	:	ON PETITION
Filed: January 21, 2005	:	
Attorney Docket No. NETC-0001-P80	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 14, 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 basic filing fee and late surcharge; (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.

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 January 21, 2006, when it went abandoned as a matter of law.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

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
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Crawford Maunu PLLC
Suite 390
1270 Northland Drive
Mendota Heights, MN 55124

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FEB 13 2006

OFFICE OF PETITIONS

In re Application of Schnitzer :
Application No. 60/646,711 : Decision on Petition
Filing Date: November 2, 2005 :
Attorney Docket No. STFD.092P1 :

This is a decision in response to the petition filed November 2, 2005, which is being treated as a petition filed under 37 CFR 1.53 to accord the application a filing date of January 27, 2005.

The petition is **DISMISSED**.

The Office will not consider the merits of a petition until the full petition fee is submitted. The current fee for a petition under 37 CFR 1.53 is $400.[1] Petitioner only authorized the Office to charge $130 to petitioner's deposit account. The Office does note that a typographical error on the Notice of Incomplete Application incorrectly listed the fee as $130.

Petitioner should submit an additional $170. As stated in the Notice, if the petition is granted upon a showing that the Office misplaced the missing items, the full petition fee will be refunded.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53." 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

[1] The fee was raised to $400 effective Nov 1, 2004. 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).

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

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

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Suite 390
1270 Northland Drive
Mendota Heights, MN 55124

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MAY 19 2006

OFFICE OF PETITIONS

In re Application of Schnitzer :
Application No. 60/646,711 : Decision on Petition
Filing Date: January 27, 2005 :
Attorney Docket No. STFD.092P1 :

This is a decision in response to the renewed petition filed February 27, 2006.

The petition is **dismissed**.

Facts:

The application was filed on January 27, 2005.

On August 31, 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 the drawings.

Petitioner alleges 5 sheets of drawings were filed on January 27, 2005. Petitioner has supplied a copy of a stamped postcard receipt acknowledging receipt of 5 drawing sheets on January 24, 2005.[1]

The transmittal sheet filed with the application indicates the application included 5 sheets of drawings.

The prior November 2, 2005, petition states, "Submitted herewith are five sheets of drawings."

Office records indicate receipt of six sheets of drawings on November 2, 2005.
Sheet 1 = Figure 1
Sheet 2 = Figure 2
Sheet 3 = Figure 3

[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.

Sheet 4 = Figures 4A, 4B, and 4C
Sheet 5 = Figures 4D and 4E
Sheet 6 = Figure 5

Discussion:

The submission of six sheets of drawings contradicts the contents of the petition and the postcard receipt. The Office is unsure if the drawings filed on November 2, 2005, are an exact copy of the drawings filed with the original application.

The Office requests petitioner fully discuss the contents of the drawings filed with the original application.

A review of the record indicates that the application should have been accorded a filing date of January 24, 2005, even if drawings were not present on January 24, 2005. Therefore, petitioner has the following options:

(1) Request a filing date of January 24, 2005, without entry of any of the drawings based on drawings being unnecessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

(2) Request reconsideration and argue for the entry of six sheets of drawings based on the drawings being an exact copy of drawings filed with the original application.

(3) Request reconsideration and entry of a new set of 5 sheets of drawings based on the drawings being an exact copy of drawings filed with the original 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 NOT permitted. The reconsideration request should be 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: (571) 272-3203
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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mendota Heights, MN 55124

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JUL 19 2006

OFFICE OF PETITIONS

In re Application of Schnitzer :
Application No. 60/646,711 : Decision on Petition
Filing Date: January 24, 2005 :
Attorney Docket No. STFD.092P1 :

This is a decision in response to the renewed petition filed February 27, 2006.

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

Facts:

The application was filed on January 24, 2005.

On August 31, 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 the drawings.

Petitioner has supplied a copy of a stamped postcard receipt acknowledging receipt of 5 drawing sheets on January 24, 2005. The transmittal sheet filed with the application indicated the application included 5 sheets of drawings.

Petitioner states the postcard and transmittal letter include a typographical error. Petitioner states both documents should have indicated 6 sheets of drawings were being filed.

Petitioner requests entry of the six sheets of drawings filed November 2, 2005. In the alternative, petitioner requests a filing date of January 24, 2005, without entry of any of the drawings based on the drawings being unnecessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Discussion:

"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, in this particular case, the postcard provides contradictory information. The postcard is not properly and accurately itemized. Therefore, the postcard fails to prove 6 sheets of drawings were filed as part of the original application.

It is the practice of the PTO to treat a provisional application that contains at least some disclosure directed to 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). This application contains some disclosure directed to a process or method. Therefore, although the six sheets of drawings will not be entered, the application will be accorded a filing date of January 24, 2005.

Per 601.01(g), a Notice of Omitted Items rather than a Notice of Incomplete Application should have been mailed. The Notice of Omitted Items would have informed petitioner a filing date had been accorded and that the drawing figures referred to in the specification appeared to be missing.

It should be noted that the claims filed in any subsequent non-provisional application will determine whether or not drawings are necessary for that application since the "subject matter sought to be patented" is determined by the claims in an application. Therefore, the instant decision should not be construed as a determination that drawings will or will not be necessary for a filing date for any future non-provisional applications.

As stated above, the application will be accorded a filing date of January 24, 2005, without the six sheets of drawings filed November 2, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 24, 2005, and for indication in USPTO records that "0" sheets of drawings were present on filing.

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL E. TYLER
14615 SAN PEDRO #235
SAN ANTONIO TX 78232

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AUG 15 2008

In re Application of :
Tyler et al. :
Application No.: 60/646824 : ON PETITION
Filing or 371(c) Date: 01/22/2005 :
Title of Invention: :
SYSTEM TO REFILL WATER :
COOLER BOTTLES :

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

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application, mailed February 15, 2005. The Office communication set a one (1) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. Applicant filed a reply on April 20, 2005; however, the reply was untimely and required an extension of time. Applicant was so notified in a Notice of Incomplete Reply, mailed May 9, 2005. No complete and proper reply having been received, the application became abandoned on April 16, 2005. A Notice of Abandonment was mailed May 9, 2008.

Applicant files the present petition, and since the application went abandoned, no extension of time fee is required. 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 (previously submitted); (2) the petition fee; and (3) the required statement of unintentional delay[1]. Accordingly, the reply is accepted as having been unintentionally delayed.

---

[1] It is noted that the petition refers to inventor Tyler's busy schedule, without mention of inventor Whitestone. Petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) **All of the applicants** (§ 1.41(b)) for patent, unless there is an assignee of the entire

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 (and Power of Attorney) 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.

This application is being referred to the Office of Patent Application Processing for continued processing of the application in the normal course of business.

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

CC: DAVID ALLEN HALL
P.O. BOX 1540
BLANCO, TX 78606-1540

---

interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. **This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant**.

Therefore, any correspondence filed with the Office must be signed by a person authorized to act in the application as stated in 37 CFR 1.33(b).

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PO BOX 980
VALLEY FORGE PA 19482-0980

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JUN 20 2005

OFFICE OF PETITIONS

In re Application of :
Beatson, et al. :
Application No. 60/646,927 : DECISION ON PETITION
Filed: January 24, 2005 :
Attorney Docket No. K&S-153USP :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION UNDER 37 CFR 1.53(c)", filed April 29, 2005, to accord the above-identified application a filing date of January 24, 2005, with Figure 8 of the drawings as a part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on January 24, 2005. However, on March 29, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Item(s) in a Provisional Application." Applicants were notified that the application papers had been accorded a filing date; however, Figure 8 of the drawings appeared to have been omitted.

In response, applicants filed the instant petition. Accompanying the petition was a drawing sheet containing a copy of Figure 8 of the drawings. Applicants maintain that the application as originally filed included this drawing sheet. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Drawing(s) 21" as enclosed, bearing a United States Patent and Trademark Office date-stamp of January 24, 2005, and lacking any notation of non receipt of any item listed.

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

Given the basis for granting the petition, the $400 petition fee has been refunded to Deposit Account No. 18-0350.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of January 24, 2005, using the application papers received in the Office on that date and Figure 8 of the drawings as re-supplied on petition filed April 29, 2005.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fish & Richardson, PC
12390 El Camino Real
San Diego CA 92130-2081

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MAR 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Shahzad Aslam-Mir : DECISION DISMISSING
Application No. 60/646,933 : PETITION
Filed: January 24, 2005 :
Attorney Docket No. 17924-003 P01 :

This is a decision on the petition filed March 10, 2005, which is being treated as a request to withdraw that the Notice of Omitted Item(s) in a Provisional Application mailed February 24, 2005.

On January 24, 2005, applicant filed the above-identified application. However, on February 24, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s)in a Provisional Application, stating that the application had been accorded a filing date of January 24, 2005, and advising applicant that Figure 3 described in the specification appeared to have been omitted.

In response, on March 10, 2005, applicant filed the present petition, 6 sheets of replacement drawings, a date-stamped postcard acknowledging receipt of 6 sheets of drawings on filing, and an authorization to charge the petition fee. Applicant explained that the replacement drawings originally submitted were numbered incorrectly. Applicant stated that the replacement drawings were renumbered to comply with the specification as originally filed; however, no new matter was added. The specification described Figures 1-8. Applicant renumbered the original drawings as followings: Figure 5 renumbered as Figure 3; Figure 6 renumbered as Figure 5; Figure 8 renumbered as Figure 6; and, Figure 9 renumbered as Figure 8.

It is obvious from the petition and a review of the record that the "drawing" was not actually missing on January 24, 2005. Rather, Figure 3 was simply mislabeled as a result of applicant's filing error. However, the "Notice of Omitted Item(s)" mailed February 24, 2005, was correct in stating that Figure 3 described in the specification appeared 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 charged to the Deposit Account 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.

As stated above, applicant submitted replacement drawing sheets correcting the errors and renumbering original Figures 5, 6, 8 and 9. 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 January 24, 2005, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KAPLAN & GILMAN
900 ROUTE 9 NORTH
WOODBRIDGE, NJ 07095

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APR 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Yun-Qing Shi et al	:	DECISION DISMISSING
Application No. 60/646,972	:	PETITION
Filed: January 26, 2005	:	
Attorney Docket No. 436/25	:	

This is a decision on the petition under 37 CFR 1.10(d) filed February 22, 2005, requesting that the above-identified application be accorded a filing date of January 25, 2005, rather than the presently accorded filing date of January 26, 2005.

Applicants allege that the application was deposited in Express Mail drop box on January 25, 2005, under 37 CFR 1.10, and should be accorded that date as the filing date.

Paragraph (a) of 37 CFR 1.10 states that:

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

(Emphasis supplied). Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express

Mail"; and

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

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." 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 February 22, 2005 is accompanied by a copy of the USPS Track/Confirm system information showing the Express Mail package in question was delivered on January 26, 2005, not January 25, 2005.

The petition is also accompanied by a copy of counsel's Express Mail Log Book. The evidence has been considered but is not persuasive. The Express Mail log book and the statement from the USPS do not corroborate the allegation that the application was deposited in the Express Mail box prior to the last scheduled pick up for that day. Accordingly, the petition is dismissed

It is noted that the instant application was deposited in an Express mail drop box. Petitioner's attention is directed to 37 CFR 1.10(b), which states, in part, that:

> Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with he employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked.

It is unfortunate that petitioner chose to deposit a paper as important as a patent application in

Express mail without immediately obtaining an Express Mail receipt showing the desired date of deposit.

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

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

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

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

The $130.00 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

This matter is being referred to the Office of Initial Patent Examination with the presently effective filing date of January 26, 2005.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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OCT 13 2005

OFFICE OF PETITIONS

In re Application of :
Waywood, et al. :
Application No. 60/647,399 : DECISION DISMISSING
Filed: January 28, 2005 : PETITION
Attorney Docket No.: 025736-00006 :

This is a decision on the petition filed March 7, 2005, titled "Petition in Response to Notice of Omitted Items in a Provisional Application." Petitioner is advised that the petition will be treated as request to withdraw the "Notice of Omitted Item(s) of Provisional Application " mailed February 18, 2005, in the above-cited application.

On January 28, 2005, the above-identified application was filed. However, on February 18, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in a Provisional Application," stating that application had been accorded a filing date of January 18, 2005, and advising applicant that page 2 of the specification appeared to have been omitted.

In response, on March 7, 2005, applicant filed the present petition and a $400.00 petition fee. Applicant explains that the content included on page 2 was not missing on January 28, 2005. Applicant further explains the cover page of the application which is page was not filed and that specification pages that followed were not renumbered given the appearance that page 2 of the specification was omitted.

It is obvious from the petition that no pages of the specification were actually missing on January 28, 2005. Rather, the pages were misnumbered as a result of applicant's filing error. However, the "Notice of Omitted Item(s)in a Provisional Application" mailed February 18, 2005, was correct in stating that page 2 of the specification appeared to have been omitted. Therefore, the "Notice of Omitted Items of Provisional Application" was properly mailed and will not be withdrawn.

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 application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 28, 2005. The provisional application will consists only of those papers filed on January 28, 2005.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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APR 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Jaroslav A. Kralovec et al. :
Application No. 60/647,703 : DECISION GRANTING PETITION
Filed: January 27, 2005 :
Attorney Docket No. 15113.0007U1 :

This is a decision on the petition filed March 3, 2005, requesting that the above-identified provisional application be accorded a filing date of January 27, 2005, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on January 27, 2005, without drawings. Accordingly, on February 23, 2005, 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 January 27, 2005.

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 February 23, 2005, was mailed in error and is hereby withdrawn. The petition fee in the amount of $130.00 will be credited to deposit account no. 14-0629 although petitioner should be aware that the fee for a filing date petition was increased to $400.00 effective November 22, 2004.

The application is accorded a filing date of January 27, 2005, 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 January 27, 2005, 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
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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www.uspto.gov

MER Corporation
7960 S. Kolb Road
Tucson, AZ 85706

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
James C. Withers, et. al. :
Application No. 60/647,785 : ON PETITION
Filed: January 31, 2005 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed June 29, 2006, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application mailed April 14, 2005. A Notice of Abandonment was mailed on January 12, 2006.

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.

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 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 along with the $25 late filing surcharge; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

cc: Norman P. Soloway
3450 E. Sunrise Drive, Suite 140
Tucson, AZ 85718

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Daniel S. Mailman
Suite 278
2472 Bolsover
Houston, TX 77005

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MAY 18 2006

OFFICE OF PETITIONS

In re Application of

Mailman, et al.

Application No. 60/648,523

Filed: January 31, 2005

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), November 14, 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 application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application mailed February 23, 2005. The notice set a shortened statutory period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period and the application became abandoned on April 24, 2005. A Notice of Abandonment was mailed on October 27, 2005.

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

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

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

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

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

The instant petition does not satisfy the requirements of item (1) above.

As to item (1), the required reply to the Notice of $20.00 for the outstanding portion of the filing fee and $25.00 surcharge for the late filing of the same were not found among the petition papers. The required reply must be filed before a petition under 37 CFR 1.137(b) can be considered grantable.

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

By mail: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this matter 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
www.uspto.gov

CARLTON FIELDS, PA
1201 WEST PEACHTREE STREET
3000 ONE ATLANTIC CENTER
ATLANTA GA 30309

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MAY 11 2005

OFFICE OF PETITIONS

In re Application of
Miller, et al.
Application No. 60/648,802
Filed: February 1, 2005
Attorney Docket No. 49673.22625
For: BINGO-STYLE GAME TICKET

: DECISION DISMISSING
: PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed April 26, 2005 (certificate of mailing date April 22, 2005), requesting that the above-identified application be accorded a filing date of January 31, 2005, instead of the presently accorded filing date of February 1, 2005.

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.

Petitioners allege that the application was deposited in Express Mail service on February 1, 2005.

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 not include the corroborating evidence required by the rule. MPEP 513 Section VI states, "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...; 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 the entry in the log."

The Office would like to know in which USPS branch the Express Mail correspondence was deposited and when in relation to the last scheduled acceptance/pick-up time it was deposited. In addition, who deposited the correspondence in Express Mail service and who created this specific mail log entry?

The petition to accord a January 31, 2005 filing date to the above-identified application is dismissed.

The application is being returned to the Office of Initial Patent Examination with the presently accorded filing date of February 1, 2005.

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
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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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of :
Ray, et al. :
Application No. 60/648,877 : ON PETITION
Filed: February 2, 2005 :
Attorney Docket No. 404813000201 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 31, 2006, 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 April 22, 2005, which set a two (2) month period for reply. No response was received within the allowable period. The application became abandoned on June 23, 2005.

The response to the Notice to File Missing Parts of Provisional Application filed January 31, 2006, is noted and made of record.

The request for an extension of time within the fifth month is noted, but is not necessary as the application was in an abandoned status at the time the request was made. The amount of $1,080.00 will be refunded to deposit account 03-1952, in due course.

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
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/648,961	01/31/2005		200	31689.702.101			

CONFIRMATION NO. 5318

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

CORRECTED FILING RECEIPT

OC000000016440039

Date Mailed: 07/06/2005

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)

Daniel Henry Traynor, Sarasota, FL;
Steven M. Markowitz, Honolulu, HI;
David L. Compton, Honolulu, HI;
Henry G. Traynor, Sarasota, FL;
Michael Dulak, Coral Springs, FL;

Power of Attorney:
Eric Witt--44408

If Required, Foreign Filing License Granted: 02/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/648,961

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

Non-Publication Request: No

Early Publication Request: No

Title

Sunscreen compositions and methods of use

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JJGJR.: 07-05

Paper No. __

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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JUL 26 2005

OFFICE OF PETITIONS

In re Application of :
Frankard :
Application No. 60/649,041 : DECISION ON PETITION
Filed:1 February, 2005 :
Attorney Docket No. 4559-050387 :

This is a decision on the petition considered under 37 C.F.R. §1.53 and §1.182, filed on 5 May, 2005, which is treated as a petition requesting that the Notice of Omitted Item(s) in a Provisional Application mailed on 3 March, 2005, be withdrawn with regard to Fig. 5 as described in the specification, and otherwise to seek to amend the application.

The petition is **DISMISSED**.

The application was deposited on 1 February, 2005

On 3 March, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice" stating that the application had been accorded a filing date, but that Figure 5 described in the specification appeared to have been omitted from the application. A two- (2-) month period for reply was set.

In response, on 5 May, 2005, the instant petition was filed. Petitioner:

- asserts that Figure 5 in the specification appears to be missing because the figures of the application were improperly numbered; and

- seeks to amend the application with regard to Fig. 5 by substituting a new set of drawings and otherwise submitting what might be found to be an amendment to this end.

The mailing of a "Notice of Omitted Items" permits the applicant to establish promptly prior receipt in the Office of the omitted items at issue (generally by way of a date-stamped postcard receipt (MPEP §503)).

An applicant asserting that the missing item(s) was/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.

In this case, Petitioner does not assert that the missing Fig. 5 was deposited on 1 February, 2005. 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 3 March, 2005, was correct in stating that Figure 5 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. The petition fee was required upon filing of the petition and will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 1 February, 2005, 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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SIEVERS LAW FIRM
STE. 302
201 S. LAKE AVE.
PASADENA, CA 91101

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OCT 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Mark Hamaguchi :
Application No. 60/649,270 :
Filed: February 1, 2005 :
Attorney Docket No. 122104-1 :

DECISION ON PETITION

This is a decision on the petition filed May 24, 2005.

Applicant alleges that the application was deposited in Express Mail service on May 24, 2005 and requests that the application be accorded a filing date of February 1, 2005. A review of the official record discloses that the corrected filing date was already given as shown by its inclusion on the filing receipt mailed June 2, 2005. Therefore, no change in the official filing date is required.

The petition is dismissed as moot. No fee is required and none has been charged.

This matter is being referred to Technology Center AU 3623 for examination in due course.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead 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
60/649,361	02/02/2005		125	CFW-1001PR			

CONFIRMATION NO. 7799

Gabriel Lopez
6 Pleasantville Rd.
Basking Ridge, NJ 07920

UPDATED FILING RECEIPT

OC000000016021763

Date Mailed: 05/16/2005

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

Applicant(s)

John J. Baldwin, Gwynedd Valley, PA;
David A. Claremon, Maple Glen, PA;
Lawrence W. Dillard, Yardley, PA;
Alexey V. Ishchenko, Elkins Park, PA;
Jing Yuan, Lansdale, PA;
Zhenrong Xu, Horsham, PA;
Gerard McGeehan, Wilmington, DE;
Wenguang Zeng, Lawrenceville, NJ;

Power of Attorney:
Gabriel Lopez–28440

If Required, Foreign Filing License Granted: 03/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/649,361

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

1-Acylamino-2-hydroxy-3-amino-omega-arylalkanes

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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GERO G. MCCLELLAN
MOSER, PATTERSON & SHERIDAN, LLP
SUITE 1500
3040 POST OAK BLVD.
HOUSTON, TX 77056

FAX RECEIVED
MAY 26 2005
OFFICE OF PETITIONS

In re Application of :
Stewart, et al. :
Application No. 60/649,372 : ON PETITION
Filed: February 1, 2005 :
Attorney Docket No. SOUR/0006L/GGM :

This is a decision on the petition filed May 5, 2005, requesting that the above identified provisional application be accorded a filing date of February 1, 2005.

The provisional application was deposited on February 1, 2005. However, on March 3, 2005, 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. It is noted that the specification, submitted on February 1, 2005, includes the description of Figures 1-6.

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

Petitioner states, "Applicant respectfully submits that the drawings are not necessary to enable one to understand the subject matter sought to be patented. Accordingly, Applicant submits that the textual description is sufficient to enable one to understand the subject matter sought to be patented and therefore, the application should be accorded the filing date of February 1, 2005." It is noted that the petition contains the statement 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 its 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 February 1, 2005, with zero (0) drawings received on that date.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIP R.K. NIXON
641 JUNEBERRY CT.
BOCA RATON, FL 33486

COPY MAILED

APR 14 2006

OFFICE OF PETITIONS

In re Application of :
Philip R. K. Nixon :
Application No. 60/649,475 : ON PETITION
Filed: February 3, 2005 :
Attorney Docket No. N/A :

This is a decision on the papers filed February 3, 2006, which have been treated as a petition under 37 C.F.R. 1.181, to withdraw the holding of abandonment.

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 not permitted. The reconsideration request should include a cover letter entitled "Request For Reconsideration of Petition under 37 CFR 1.181."

The above-identified provisional application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 3, 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 May 4, 2005.

Petitioner appears to assert non-receipt of the Office communication due to moving and changing his address.

Please note, MPEP 711.03(c) states:

"The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action

must be submitted as documentary proof of non-receipt of the Office action." A pro se applicant must submit evidence of a similar nature.

However, petitioner appears to state that the Office communication was lost at his forwarding address. Please note the following: "The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail." *See* MPEP 711.03(c).

Furthermore, please note MPEP 601.03, "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 U.S. Patent and Trademark Office of the new correspondence address (including ZIP Code)."

Lastly, please note, a delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v, Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

As such, the petition must be dismissed.

Petitioner may wish to consider filing a renewed petition under amended 37 C.F.R. § 1.137(b). 37 C.F.R. § 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 C.F.R. § 1.137(b). A grantable petition pursuant to 37 C.F.R. § 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 § 1.17(m), currently $750.00 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 pursuant to 37 C.F.R. § 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
>
> (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The Manual of Patent Examining Procedure, Section 711.03(c), provides a general discussion of the procedures for filing a petition to revive an abandoned application.

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

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

PHILIP R.K. NIXON
641 JUNEBERRY CT.
BOCA RATON, FL 33486

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AUG 31 2006

OFFICE OF PETITIONS

In re Application of :
Philip R. K. Nixon :
Application No. 60/649,475 :
Filed: February 3, 2005 :
Attorney Docket No. N/A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 2006, 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)."

The above-identified provisional application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 3, 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 May 4, 2005.

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 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 § 1.17(m), currently $750.00 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 pursuant to 37 C.F.R. § 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The required petition fee has not been submitted. As such, the petition cannot be reviewed on the merits at this time. Petitioner has submitted $40.00. Accordingly, petitioner must submit an additional $710.00 before the petition can be reviewed on the merits.

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

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

PHILIP RK NIXON
641 JUNEBERRY CT.
BOCA RATON, FL 33486

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MAR 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
PHILIP RK NIXON	:	DECISION
Application No. 60/649475	:	ON PETITION
Filing or 371(c) Date: 02/03/2005	:	
Title of Invention:	:	
SMART MEDICINE CABINET-SYSTEMS AND PORTABLE CELLULAR MODULE	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), October 16, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed March 3, 3005. The Notice required $100 to complete the basic filing fee, and $25 late filing oath or declaration surcharge. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on May 4, 2005. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

Applicant filed a petition to withdraw the holding of abandonment on February 3, 2006, which was dismissed in a Decision mailed April 14, 2006, for failing to meet the requirements of a grantable petition under 37 CFR 1.181.

Applicant filed a petition to revive the application under 37 CFR 1.137(b), on June 6, 2006; however, Applicant failed to include the appropriate petition fee. The petition was dismissed in a Decision mailed August 31, 2006.

Applicant files the instant petition in response to the Notice. The the basic filing fee and late filing oath or declaration surcharge were submitted on February 3, 2006. Accordingly, the petition is granted.

This application is being forwarded to the Office of Initial Patent Examination for continued processing in due course.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DIW May-05

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

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MAY 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Josephine Hoh :
Application No. 60/649,479 : ON PETITION
Filed: 2 February, 2005 :
Atty Docket No. 3040 :

This is a decision on the petition filed on 15 April, 2005, requesting that the above-identified provisional application, without drawings, be accorded a filing date of 2 February, 2005.

The petition is **GRANTED**.

The application was filed on 2 February, 2005, without drawings. Accordingly, on 2 March, 2005, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

On 15 April, 2005, 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 2 February, 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.

The arguments in the petition will be construed to mean that petitioner's counsel is asserting 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 2 March, 2005, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of 2 February, 2005, without drawings as a part of the original disclosure. No petition fee is due and none has been charged.

There is no indication that petition 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 mailed. 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 referred to the Office of Initial Patent Examination for correction of the filing date to 2 February, 2005.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Carmody & Torrance LLP
50 Leavenworth Street
PO Box 1110
Waterbury CT 06721-1110

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
60/649,509	02/03/2005		200	LEX-0666-PRV			

CONFIRMATION NO. 7821

24231
LEXICON GENETICS INCORPORATED
8800 TECHNOLOGY FOREST PLACE
THE WOODLANDS, TX 77381-1160

CORRECTED FILING RECEIPT

OC000000015544179

Date Mailed: 03/23/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Mary Jean Sparks, Magnolia, TX;
Wenhu Huang, The Woodlands, TX;

Power of Attorney:

Lance Ishimoto--41866

If Required, Foreign Filing License Granted: 03/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/649,509

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

Non-Publication Request: No

Early Publication Request: No

Title

Agents and compositions for the treatment of hyperlipidemia

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

GRANTED

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

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

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

NOT GRANTED

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

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JJGJR.: 07-05

Paper __

CONNOLLY BOVE
LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of	:	
Daniel, et al.	:	
Application No. 60/649,540	:	DECISION ON PETITION
Filed: 4 February, 2005	:	
Attorney Docket No. 12810-00028-US	:	

This is a decision on the petition under 37 C.F.R. §1.53, filed on 25 April, 2005, requesting that page 74 the above-identified application (description, claims, abstract) be accorded a filing date of 4 February, 2005.

The petition is **GRANTED**.

The application was deposited on 4 February, 2005.

On 31 March, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Provisional Application" (the Notice) stating, *inter alia*, that, while a filing date had been assigned to the instant application, it appeared that page 74 of the specification (description and claims) had been omitted from the application.

The Notice informed Petitioner that the alternatives available were to: (a) petition contending that the application was deposited with omitted item(s); (b) ignore the Notice and accept the application as deposited without the omitted item(s); or (c) submit the omitted item(s) and accept the date of that submission as the filing date of the application.

In response, Petitioner filed the instant papers on 25 April, 2005, and included therein, *inter alia*, a copy of a date-stamped ("FEB 04 2005") receipt card (see: MPEP §503)[1] submitted with the

[1] The commentary at MPEP §503 provides in pertinent part:

* * *

RETURN POSTCARD

original application and of page 74, alleged to be a copy of the page deposited with the application.

ANALYSIS

A review of the file reveals that the application was deposited on 4 February, 2005, and that the date-stamped ("FEB 04 2005") receipt card states in pertinent part:

* * *

Provisional Application: Spec., Claims and Abstract = 76 pages;
Drawings (2 Sheets, Figs. 1 - 3) Stamped Return Postcard

* * *

A further review of the application reveals that the pages of the Specification are sequentially numbered containing the Description (pages 1 - 71), the Claims (pages 72 - 75), and the Abstract (page 76).

Because Petitioner's receipt card adequately itemized the contents of the application on the

---

If a receipt for 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. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from the United States Postal Service (USPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date. Any return receipt postcard containing a dated meter postmark may not be delivered by the USPS to the address provided on the postcard.< The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which >a< receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.

Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO.

receipt card, it is concluded that the application, including 76 pages of Specification (Description, Claims and Abstract)–with particularity page 74 (Description and Claims)–and 2 sheets of drawings were deposited with the Office on 4 February, 20 05, and page 74 subsequently was misplaced in the Office.

Accordingly, the application including page 74 (description and claims), as filed, is entitled to a filing date of 4 February, 2005.

The "Notice of Omitted Items" mailed on 31 March, 2005, was sent in error and is hereby vacated to the extent that it stated that page 74 of the application (description and claims) was omitted.

The petition is **granted** and the petition fee waived (the petition fee will be credited to Deposit Account 22-0185).

This application is released to OIPE for further processing with a filing date of 4 February, 2005, for the entire application–and in particular page 74 of the specification (description and claims)–and two sheets of drawings (Figs. 1 - 3) as described in the specification, using:

- **the pages 1 - 73 and 75 - 76 of specification (description, claims and abstract) and two sheets of drawings (Figs. 1 - 3) as described in the specification and deposited on 4 February, 2005; and**

- **page 74 of the specification (description and claims) deposited on 25 April, 2005; and**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 4 February, 2005, and reflecting therein that 76 pages of specification (description, claims and abstract) and 2 sheets of formal drawings were present on filing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas J. Kowalski
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York NY 10151

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JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Tang et al. : DECISION ON PETITION
Application No. 60/649,735 :
Filed: February 3, 2005 :
Attorney Docket No. 858610-2009 :

This is a decision on the petition filed June 13, 2005, requesting that the above-identified provisional application be accorded a filing date of February 3, 2005, without the submission of drawings.

On February 3, 2005, applicants deposited the above-identified application in the United States Patent and Trademark Office (Office) without drawings. Accordingly, on April 18, 2005, 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 June 13, 2005, applicants submitted the present petition and an authorization to charge any necessary fees. In the present petition, applicants requested that the above-identified application be accorded a filing date of February 3, 2005, the date the application was deposited with the Office without drawings. Specifically, applicants stated that Figure 1 serves as an example, intended to supplement the explanation provided in the specification without limiting the specific embodiment. Moreover, applicants asserted that Figure 1 referred to in the specification is not necessary for the understanding of the subject matter for which a patent is sought.

A review of the record reveals the application papers deposited on February 3, 2005, did not include any drawings. 35 U.S.C. 113,

first sentence states: "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented."

In this case, a registered practitioner attested to the fact and signed a statement indicating that drawings are not necessary for an understanding of the subject matter sought to be patented.

In view of the above, the petition is granted.

The Office will charge the $400.00 petition fee to Deposit Account No. 50-0320, as authorized.

The application will be processed with a filing date of February 3, 2005, 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 February 3, 2005, 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
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
60/649,787	02/02/2005		100	415073003900	2		

CONFIRMATION NO. 2526

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

CORRECTED FILING RECEIPT

OC000000018084625

Date Mailed: 02/17/2006

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)

Jennie P. Mather, Millbrae, CA;
Deryk T. Loo, Belmont, CA;

Power of Attorney: The patent practitioners associated with Customer Number **25226**.

If Required, Foreign Filing License Granted: 03/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/649,787

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

KID24 and antibodies that bind thereto

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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

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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
60/649,849	02/02/2005		100	2410000-56	1		

CONFIRMATION NO. 1548

CORRECTED FILING RECEIPT

OC000000015922830

21129
SPENCER, FANE, BRITT & BROWNE
1000 WALNUT STREET
SUITE 1400
KANSAS CITY, MO 64106-2140

Date Mailed: 05/02/2005

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

Applicant(s)

Clare J. Kuhlman, Platte Woods, MO;

Power of Attorney:

Kyle Elliott--39485

If Required, Foreign Filing License Granted: 02/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/649,849

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Lightering coupler

BEST AVAILABLE COPY

LICENSE FOR FOREIGN FILING UNDER
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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 16
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

COPY MAILED

SEP 22 2005

OFFICE OF PETITIONS

In re Application of :
Mattias Schmidt et al :DECISION GRANTING FILING
Application No. 60/650,344 :DATE OF February 4, 2005
Filed: February 4, 2005 :
Attorney Docket No. CM2938FPQL :

This is a decision on the petition under 37 CFR 1.10, filed May 4, 2005, requesting that the above-identified application be accorded a filing date of February 4, 2005, rather than the presently accorded date of February 5, 2005.

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 February 4, 2005 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of the Intranet Track Confirmation which verifies the accept or pickup date as February 4, 2005 in West Chester, OH, for Express Mail label No. EV578022909US. 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 February 4, 2005.

The petition is **granted**.

The application file is being referred to the Office of Initial Patent Examination for processing with a filing date of **February 4, 2005,** 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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/650,607	02/07/2005		350	2A09.1-231	11		

CONFIRMATION NO. 6022

23506
GARDNER GROFF, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

CORRECTED FILING RECEIPT

OC000000016329399

Date Mailed: 06/20/2005

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

Applicant(s)

Vitaly J. Vodyanoy, Auburn, AL;
Oleg M. Pustovyy, Auburn, AL;
Thomas Hasling, Auburn, AL;

Power of Attorney:

Bradley Groff–39695

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 ultra-resolution imaging in combination with fluorescence microscopy

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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
60/650,841	02/08/2005		200	19350-100461	4		

CONFIRMATION NO. 1077

28886
CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT, MI 48226

CORRECTED FILING RECEIPT

OC000000017342497

Date Mailed: 10/27/2005

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)

Paul A. Trudeau, Bolton, CANADA;
Martin Ross McLeod, Barrie, CANADA;
Robert Passera, Bradford, CANADA;
Bradford D. Armstrong, Barrie, CANADA;

Power of Attorney:

Robin Asher--41590

If Required, Foreign Filing License Granted: 02/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/650,841

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 direct steam injection

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/651,132	02/08/2005		100	50019-00007	1		

CONFIRMATION NO. 4099

CORRECTED FILING RECEIPT

OC000000016440615

25231
MARSH, FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY
SUITE 411
AURORA, CO 80014

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)

Daniel A. Harris, San Jose, CA;
Evan Slatis, San Jose, CA;
Dayal Gaitonde, Mountain View, CA;

Power of Attorney:

James Johnson--34193

If Required, Foreign Filing License Granted: 03/03/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/651,132

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Automated signal to pin mapping for electronic devices

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/885,475~~ 60651456	07/06/2004	Nicolas Chaumont	003921.00138

CONFIRMATION NO.

OC000000015464307

22909
BANNER & WITCOFF, LTD.
1001 G STREET, N.W.
WASHINGTON, DC 20001-4597

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 **01/24/2005,** 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 **60/651,456.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/875,287~~ 60651457	06/25/2004	Minas Theodore Coroneo	Q82342

CONFIRMATION NO.

OC000000015464852

23373
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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 **01/27/2005,** 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 **60/651,457.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/611,663~~ 60651458	07/02/2003	Thomas Patrick Nolan	146712004000

CONFIRMATION NO.

OC000000015562565

Raj S. Dave
Morrison & Foerster LLP
Suite 300
1650 Tysons Boulevard
McLean, VA 22102

Date Mailed: 03/24/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/28/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/651,458.** 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) 308-8910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/812,244~~ 60651459	03/29/2004	Michael D. Kobrehel	02-22A

CONFIRMATION NO.

OC000000015565938

Dura Automotive Systems Inc.
2791 Research Drive
Rochester Hills, MI 48309-3575

Date Mailed: 03/25/2005

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 **06/14/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/651,459.** 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.
10/452,508	06/03/2003	Yong Min Cho	

CONFIRMATION NO.

OC000000015671323

HARNESS, DICKEY & PIERCE P.L.C.
P O BOX 8910
RESTON, VA 20195

Date Mailed: 04/06/2005

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 **06/02/2004,** 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 **60/651,460.** 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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01142005

HARNESS, DICKEY & PIERCE P.L.C.
P O BOX 8910
RESTON, VA 20195

JAN 19 2005

In re Application of
Yong Min Cho et al
Application No. 10/452,508
Filed: June 3, 2003
Attorney Docket No. 4172-000002/US/PS1

DECISION ON PETITION

This is a decision on the petition filed June 2, 2004, requesting to convert the non-provisional application to a provisional application under 37 CFR 1.53(c)(2).

The petition is **GRANTED**.

This application was filed on June 3, 2003. The application has not been allowed by the patent examiner and is in the amended status – response after non-final action.

Under 37 CFR § 1.53(c)(2):

> (2) An application for patent filed under paragraph (b) of this section may be converted to a provisional application and be accorded the original filing date of the application filed under paragraph (b) of this section. The grant of such a request for conversion will not entitle applicant to a refund of the fees that were properly paid in the application filed under paragraph (b) of this section. Such a request for 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.

Since the application meets the requisite showing required under 37 CFR § 1.53(c)(2), the non-provisional application will be converted to a provisional.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing as a PROVISIONAL application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2), including the assignment of a new provisional application number.

Copied from 10452508 on 04/18/2005

The new provisional application number will be communicated to applicant by OIPE in due course.

Questions regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.

Janice A. Falcone

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Copied from 10452508 on 04/18/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/606,007	06/25/2003	Cliff Hartsell	

CONFIRMATION NO.

OC000000015627611

CLIFF HARTSELL
141 Weeping Willow
Uvalde, TX 78801-6803

Date Mailed: 03/31/2005

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 **12/17/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/651,461.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/910,544	08/04/2004	Mike West	DU-P01-005

CONFIRMATION NO.

OC000000015657517

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 04/05/2005

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 **12/03/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/651,462.** 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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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

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FEB 02 2005

OFFICE OF PETITIONS

In re Application of
Moritz et al.
Application No. 10/926,346
Filed: August 26, 2004
Attorney's Docket No. 3223-101

ON PETITION

This is a decision on the petition filed on October 24, 2004, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 CFR 1.53(b)(2)(ii).

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
>
> (iv) The filing of a request for a statutory invention registration under § 1.293 in the application filed under paragraph (b) of this section."

The petition is **GRANTED**.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of August 26, 2004, as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new provisional application number.

Copied from 10926346 on 05/06/2005

The new provisional application number will be communicated to applicants by OIPE in due course.

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

Charlema R. Grant

Charlema Grant
Petitions Attorney
Office of Petitions

Copied from 10926346 on 05/06/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/816,405	04/01/2004	Kazunari Kosaka	140963-1

CONFIRMATION NO.

OC000000015973245

23413
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

Date Mailed: 05/09/2005

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 **06/24/2004,** 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 **60/651,470.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/031,964	01/07/2005	Conor P. Cahill	06975-571001

CONFIRMATION NO.

OC000000015972998

26171
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 05/09/2005

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 **03/10/2005,** 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 **60/651,471.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/031,673	01/07/2005	Conor P. Cahill	06975-574001

CONFIRMATION NO.

OC000000015972773

26171
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 05/09/2005

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 **03/10/2005,** 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 **60/651,472.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/031,989	01/07/2005	Conor P. Cahill	06975-573001

CONFIRMATION NO.

OC000000015973116

26171
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 05/09/2005

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 **03/10/2005,** 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 **60/651,473.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/078,181	03/11/2005	Stephane Petoud	214001-01165

CONFIRMATION NO.

OC000000016083360

Tara L. Pfaeffle
Eckert Seamans Cherin & Mellott, LLC
44th Floor
600 Grant Street
Pittsburgh, PA 15219

Date Mailed: 05/20/2005

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 **04/08/2005,** 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 **60/651,474.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/968,347	10/18/2004	Nigel Peter Smith	42700.8004.US00

CONFIRMATION NO.

OC000000016083589

34055
PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

Date Mailed: 05/20/2005

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 **60/651,475.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/157,224	05/28/2002	Andrew A. Young	0201-CIP-0

CONFIRMATION NO.

OC000000016203891

28381
ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

Date Mailed: 06/06/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/22/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/651,476.** 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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OIW 05-04

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

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OFFICE OF PETITIONS

In re Application of :
Young et al. :
Application No. 10/157,224 : ON PETITION
Filed: 28 May, 2002 :
Attorney's Docket No. 0201-CIP-0 :

This is a decision on the petition filed on 22 May, 2003, a copy of which was additionally supplied on 30 April, 2004, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 CFR 1.53(b)(2)(ii). The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioner.

The petition is granted.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of 28 May, 2002, as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new provisional application number.

The new provisional application number will be communicated to applicants by OIPE in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Copied from 10157224 on 06/10/2005

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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.
11/019,650	12/21/2004	Sangeet Saurabh	WEB004

CONFIRMATION NO.

OC000000016203965

46788
FORTUNE LAW GROUP LLP
100 CENTURY CENTER COURT, SUITE 315
SAN JOSE, CA 95112

Date Mailed: 06/06/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/18/2005,** 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 **60/651,477.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/976,239	10/29/2004	Kevin S. Currie	09580.0003-01000

CONFIRMATION NO.

OC000000016226605

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 06/08/2005

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 **04/12/2005,** 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 **60/651,478.** 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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MAY 27 2005

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

In re Application of	:
Currie et al	:
Serial No.: 10/976,239	: CONVERSION TO PROVISIONAL
Filed: October 29, 2004	:
Attorney Docket No.: 09580.0003-01000	:

This is in response to applicants' request, filed April 12, 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 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 10976239 on 06/10/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/032,504	01/09/2005	Roger Rosner	APLE.P0080

CONFIRMATION NO.

OC000000016226782

48947
STATTLER, JOHANSEN, AND ADELI LLP
1875 CENTURY PARK EAST SUITE 1050
CENTURY CITY, CA 90067

Date Mailed: 06/09/2005

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 **04/25/2005,** 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 **60/651,479.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/837,094	04/30/2004	Robert M. Strongin	Strongin 0324

CONFIRMATION NO.

OC000000016226830

25547
PATENT DEPARTMENT
TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P
P.O. BOX 2471
BATON ROUGE, LA 70821-2471

Date Mailed: 06/09/2005

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 **04/22/2005,** 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 **60/651,480.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/655,641	09/05/2003	Rudolph Dan	40353.7US01

CONFIRMATION NO.

OC0000000016226891

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 06/09/2005

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 **60/651,481.** 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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OFFICE OF PETITIONS

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of :
Rudolph Dan :
Application No. 10/655,641 : DECISION GRANTING PETITION
Filed: September 5, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 40353.7US01 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 7, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application, mailed December 12, 2003. This Notice set a period for reply of two months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 13, 2004.

With the instant petition, petitioner submitted a "REQUEST FOR CONVERSION FROM A NONPROVISIONAL APPLICATION TO A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(2)", together with the processing fee, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to the Office of Initial Patent Examination for processing of the "REQUEST FOR CONVERSION FROM A PROVISIONAL APPLICATION TO A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(2)".

Copied from 10655641 on 06/10/2005

Telephone inquiries concerning this decision 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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MERCHANT & GOULD PC
PO BOX 2903
MINNEAPOLIS MN 55402-0903

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MAY 13 2005

OFFICE OF PETITIONS

In re Application of :
Rudolph Dan : CORRECTED DECISION
Application No. 10/655,641 :
Filed: September 5, 2003 :
Attorney Docket No. 40353.7US01 :

This is a corrected decision on the petition filed December 7, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

The Notice of Abandonment mailed on November 4, 2004 was mailed in error and is hereby **WITHDRAWN**.

The above-identified application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed December 12, 2003. This Notice set a period for reply of two months from the mail date of the Notice to submit an executed oath or declaration (and a surcharge for its late filing). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application was held abandoned on February 13, 2004. A Notice of Abandonment was mailed on November 4, 2004.

With a 37 CFR 1.137(b) petition filed December 7, 2004, petitioner submitted a "REQUEST FOR CONVERSION FROM A NONPROVISIONAL APPLICATION TO A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(2)", together

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with the processing fee, paid the petition fee, and made the proper statement of unintentional delay.

A decision granting the petition was mailed on April 14, 2005. However, the decision was incorrect. Upon further review, applicant did submit a timely response to the Notice to File Missing Parts. Applicant submitted the "REQUEST FOR CONVERSION FROM A NONPROVISIONAL APPLICATION TO A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(2)" on February 2, 2004. It contained a typographical error in the application number, and was accordingly matched up with the wrong file. However, all the other identifying information submitted (applicant's name, filing date, attorney docket number, group art unit, and title of invention) was correct. In that situation, it is the policy of the Office to transfer the filing to the correct application file for which it was intended. See MPEP 724.05(III).

In view of the above, the decision mailed on April 14, 2005 is hereby **VACATED**.

In addition, the Decision Dismissing Request Under 37 CFR 1.53(c)(2) to Convert to Provisional is also hereby **VACATED**.

The "REQUEST FOR CONVERSION FROM A NONPROVISIONAL APPLICATION TO A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(2)" filed on February 2, 2004 in application no. 10/665,641 has been transferred to the instant application, application no. 10/655,641.

As the petition is dismissed as moot, the $1,370 petition fee is unnecessary. The fee has been refunded to Deposit Account No. 13-2725.

The application file is being referred to the Office of Initial Patent Examination for processing of the "REQUEST FOR CONVERSION FROM A NONPROVISIONAL APPLICATION TO A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(2)", filed February 2, 2004.

Telephone inquiries related to this decision 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/915,249	08/10/2004	Andreas H. Sarris	480208.401C4

CONFIRMATION NO.

OC000000016476149

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

Date Mailed: 07/08/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/06/2005,** 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 **60/651,482.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/938,096	09/13/2004	Stephen Norman	

CONFIRMATION NO.

OC000000016461104

Stephen Norman
96 Staniford Road
Burlington, VT 05401

Date Mailed: 07/07/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/21/2005,** 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 **60/651,483.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/837,492	04/30/2004	Kenneth W. Dwyer	10873

CONFIRMATION NO.

OC000000016476191

National IP Rights Center, LLC
Suite 400
550 Township Line Road
Blue Bell, PA 19422

Date Mailed: 07/08/2005

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 **08/30/2004,** 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 **60/651,484.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/118,073	04/29/2005	Mark A. Kay	STAN-424PRV

CONFIRMATION NO.

OC000000016476079

24353
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

Date Mailed: 07/08/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/27/2005,** 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 **60/651,485.** 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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JUN 21 2005

FISH & NEAVE IP GROUP
ROPES & GRAY
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1104

In re Application of	:
Koritala et al	:
Serial No.: 10/831,465	: CONVERSION TO PROVISIONAL
Filed: April 23, 2004	:
Attorney Docket No.: SPAR/001	:

This is in response to applicants' request, filed April 20, 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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/831,465	04/23/2004	Panduranga Rao Koritala	37086-95918

CONFIRMATION NO.

OC000000016515999

23644
BARNES & THORNBURG
P.O. BOX 2786
CHICAGO, IL 60690-2786

Date Mailed: 07/14/2005

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 **04/20/2005,** 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 **60/651,486.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/970,373	10/20/2004	Bruce D. Hammock	02307W-131020US

CONFIRMATION NO.

OC000000016516368

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

Date Mailed: 07/14/2005

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 **06/02/2005,** 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 **60/651,487.** 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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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/025,863	12/28/2004	Lei Zhu	WEB003

CONFIRMATION NO.

OC000000016516350

46788
FORTUNE LAW GROUP LLP
100 CENTURY CENTER COURT, SUITE 315
SAN JOSE, CA 95112

Date Mailed: 07/14/2005

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 **06/15/2005,** 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 **60/651,488.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/127,854	05/12/2005	Stelios Tzannis	NK.90.00

CONFIRMATION NO.

OC000000016516260

Guy Tucker
NEKTAR THERAPEUTICS
150 Industrial Road
San Carlos, CA 94070

Date Mailed: 07/14/2005

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 **06/22/2005,** 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 **60/651,489.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/032,196	01/10/2005	Alan B. Collison	5094-000004

CONFIRMATION NO.

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Date Mailed: 08/16/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/20/2005,** 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 **60/651,490.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/040,249	01/21/2005	Jia-Yang Chang	251314-1260

CONFIRMATION NO.

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

Date Mailed: 08/16/2005

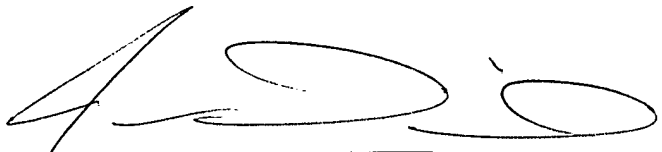
DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/23/2005,** 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 **60/651,491.** 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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Paper No.

THOMAS, KAYDEN, HORSTEMEYER &
RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

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OFFICE OF PETITIONS

In re Application of	:	
Chang et al.	:	
Application No. 11/040,249	:	DECISION ON
Filed: January 21, 2005	:	PETITION
Atty Docket No. 251314-1260	:	

This is a decision on the "REQUEST TO CONVERT TO PROVISIONAL APPLICATION PURSUANT TO 37 CFR 1.53(c)(2)" filed May 23, 2005.

The application was filed on January 21, 2005. The application was filed with payment of the filing fee, search fee, examination fee and excess claim fees. In addition, the application included an executed declaration.

However, on May 23, 2005, petitioner filed the instant petition for conversion, with credit card authorization for the processing fee ($50) set forth in § 1.17(q). The request for conversion was made prior to the following events occurring in the § 1.53(b) application: abandonment of the application; payment of the issue fee; expiration of twelve months after the filing date; or filing of a request for statutory invention registration.

In view thereof, the petition under §1.53(c)(2) is **GRANTED**.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of January 21, 2005, as a PROVISIONAL application under 35

Copied from 11040249 on 08/18/2005

U.S.C. §111(b) and 37 C.F.R. § 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 related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/068,233	03/01/2005	David Robbins	

CONFIRMATION NO.

49837
S2IPLAW, PLLC
300 MASSACHUSETTS AVENUE, NW
SUITE 1101
WASHINGTON, DC 20001-2692

Date Mailed: 08/16/2005

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 **06/16/2005,** 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 **60/651,492.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/894,851	07/20/2004	David H. Reser	ALLE0020-100 (17737 (BOT)

CONFIRMATION NO.

Quan L. Nguyen
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103

Date Mailed: 08/29/2005

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 **07/05/2005,** 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 **60/651,493.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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AUG 17 2005

Quan L. Nguyen
Cozen O'Connor
1900 Market Street
Philadelphia PA 19103

In re Application of	
David H. Reser	:
Serial No.: 10/894,851	:
Filed: July 20, 2004	: CONVERSION TO PROVISIONAL
Attorney Docket No.: ALLE0020-100	:
(17737 (BOT)	:

This is in response to applicant's request, filed July 5, 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 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 10894851 on 09/07/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/931,719	09/01/2004	Shengwen Li	ALLE0022-100 (17757)

CONFIRMATION NO.

Quan Le Nguyen
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103

Date Mailed: 08/29/2005

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 **07/05/2005,** 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 **60/651,494.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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AUG 25 2005

Quan Le Nguyen
Cozen O'Connor
1900 Market Street
Philadelphia PA 19103

In re Application of	:
Shengwen Li	:
Serial No.: 10/931,719	: CONVERSION TO PROVISIONAL
Filed: September 1, 2004	:
Attorney Docket No.: ALLE0022-100 (17757)	:

This is in response to applicant's request, filed July 5, 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 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/860,638	06/04/2004	Kurt Stockbridge	005127.00311

CONFIRMATION NO.

22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

Date Mailed: 09/06/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/19/2005,** 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 **60/651,495.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/975,024	10/26/2004	Cargill H. Alleyne JR.	021501-001200US

CONFIRMATION NO.

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

Date Mailed: 09/06/2005

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 **06/30/2005,** 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 **60/651,496.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/118,085	04/29/2005	Mark G. Erlander	022041-002010US

CONFIRMATION NO.

41578
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111

Date Mailed: 09/06/2005

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 **07/18/2005,** 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 **60/651,498.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/905,164	12/20/2004	Michael Zimberg	014033.000063

CONFIRMATION NO.

24239
MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

Date Mailed: 09/06/2005

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 **07/14/2005,** 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 **60/651,500.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/030,502	01/06/2005	Neal L. Patterson	CRNI.56141.03

CONFIRMATION NO.

46169
SHOOK, HARDY & BACON L.L.P.
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

Date Mailed: 09/06/2005

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 **07/22/2005,** 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 **60/651,502.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/030,679	01/06/2005	Neal L. Patterson	CRNI.56141.01

CONFIRMATION NO.

46169
SHOOK, HARDY & BACON L.L.P.
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

Date Mailed: 09/06/2005

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 **07/25/2005,** 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 **60/651,503.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/444,206	05/23/2003	C. Frank Bennett	30566/39365

CONFIRMATION NO.

36324
MARSHALL, GERSTEIN & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, IL 60606-6357

Date Mailed: 09/06/2005

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 **03/09/2004,** 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 **60/651,504.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/920,748	08/18/2004	Kevin Halloran	2370-005-03

CONFIRMATION NO.

26345
GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE
1 RIVERFRONT PLAZA
NEWARK, NJ 07102-5497

Date Mailed: 09/06/2005

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 **08/01/2005,** 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 **60/651,505.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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MAY 2 3 2005

OFFICE OF PETITIONS

In re Application of :
Prescott, et al. :
Application No. 60/651,767 : ON PETITION
Filed: February 10, 2005 :
Attorney Docket No. 3650.01US01 :

This is a decision on the petition filed on April 25, 2005, which has been treated as a Petition under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of February 10, 2005, including Figures 12A–12B described in the specification.

The provisional application was filed on February 10, 2005. However, on April 4, 2005, 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, but Figures 12A-12B described in the specification appear to have been omitted.

In response, on April 25, 2005 the instant petition and eighteen (18) sheets of drawings, which include Figures 12A-12B) were submitted. A copy of applicants' postcard receipt that acknowledges receipt of "seventeen (17) sheets of drawings" on February 10, 2005, accompanied the papers. A review of the application file indicates the presence of only sixteen (16) sheets of drawings originally filed on February 10, 2005, with the sheet or sheets that contain Figures 12A-12B missing. While it appears that drawing sheets were misplaced by the Office, it is noted that petitioner states:

> "On February 10, 2005, Applicants attorney filed a provisional application indicating there were seventeen (17) sheets of drawings on the Application Transmittal when, in fact, there were actually eighteen (18) sheets of drawings submitted. Applicants' attorney apologizes for this typographical error and any confusion. Nonetheless, Applicants' attorney contends that the Figures 12A -12B believed to be omitted were included with the application."

Accordingly, it appears that applicants' postcard receipt did not properly itemize the number of drawing sheets, and therefore, the postcard receipt will not be considered as prima facie evidence of the number of sheets of drawings submitted on February 10, 2005. See MPEP 503.

However, the copy of applicants' postcard receipt also acknowledges receipt of "Figs. 1-14" on February 10, 2005. A review of the application file indicates the presence of Figures 1, 2, 3, 4, 4a, 4b, 4c, 5, 6, 7, 8, 9, 10, 11, 13, 13a and 14 as originally filed on February 10, 2005, with Figures 12a and 12b missing. Furthermore, there is no notation made by the Office on applicants' postcard receipt of any missing Figures. As such, it is assumed that the missing Figures 12A-12B 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. 16-0631.

This application will be returned to OIPE for processing with a filing date of February 10, 2005, using the sheet of drawings, containing Figures 12A-12B, that was submitted with the petition on April 25, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

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

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FOLEY

FOLEY & LARDNER LLP
ATTORNEYS AT LAW
11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages (including this page): 16

TO:	PHONE #:	FAX #:
OIPE Customer Service U.S. Patent and Trademark Office		571-273-8300

From :	Barry S. Wilson
Email Address :	bwilson@foley.com
Sender's Direct Dial :	858.847.6722
Date :	November 23, 2005
Client/Matter No :	049146-0401
User ID No :	9055

MESSAGE:

Re: U.S. Provisional Application No. 60/651,926

Following is:

1) Petition to Withdraw the Holding of Abandonment of a Patent Application Under 37 CFR § 1.181(a) (2 pgs);

2) Duplicate of Notice of Abandonment Under 37 CFR 1.53(f) or (g) (2 pgs);

3) Duplicate of Transmittal of Missing Parts of Patent Application filed via facsimile on 6/7/2005 (10 pgs); and

4) Facsimile Transmission receipt corresponding to 6/7/2005 filing (1 pg).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Rachel Caputo

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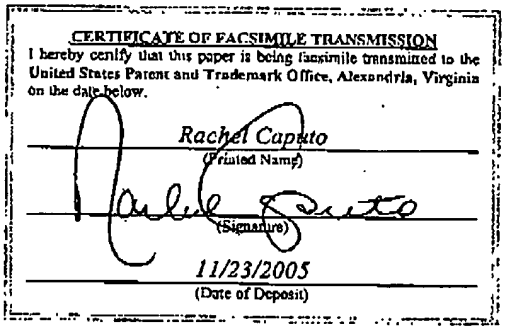
Atty. Dkt. No. 049146-0401

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tang, et al.

Title: SPREADING OF THE IMMUNE RESPONSE FROM THE TARGET ANTIGENS OF THE VACCINE TO COLLATERAL ANTIGENS INDUCED BY TUMOR DAMAGE & VACCINE


CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

Rachel Caputo
(Printed Name)

(Signature)

11/23/2005
(Date of Deposit)

Appl. No.: 60/651,926

Filing Date: 2/11/2005

Examiner: Unknown

Art Unit: Unknown

PETITION TO WITHDRAW THE HOLDING OF ABANDOMENT OF A PATENT APPLICATION UNDER 37 C.F.R. § 1.181(a)

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

Sir:

Applicant petitions the Commissioner to withdraw the holding of abandonment issued in the above referenced patent application on November 8, 2005. Attached is a true copy of the response to missing parts that was filed by facsimile on June 7, 2005. Each paper in the filing contains a certificate of facsimile transmission in accordance with 37 CFR §1.8(a).

In accordance with 37 CFR §1.8(b), Applicant states that the entire filing was facsimile transmitted on the date indicated (June 7, 2005) and provides proof of receipt by the USPTO in the form of a Commmunication Result Report, copy attached.

No terminal disclaimer is required for this petition because the petition is being filed within 2 months of the Notice of Abandonment.

PAGE 2/16 * RCVD AT 11/23/2005 5:31:52 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/32 * DNIS:2738300 * CSID: * DURATION (mm-ss):05-44

Atty. Dkt. No. 049146-0401

No fee is believed to be due for filing this petition. However, the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872 should it be determined that a fee is due.

Respectfully submitted,

Date 11/23/2005 By Barry Wilson

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Richard Warburg Reg. No. 32,327
By Barry Wilson, Reg. No. 39,431
Attorney for Applicant

PAGE 3/16 * RCVD AT 11/23/2005 5:31:52 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/32 * DNIS:2738300 * CSID: * DURATION (mm-ss):05-44

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4330 La Jolla Village Drive, Suite 220
San Diego, CA 92122

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APR 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Terskikh et al. : DECISION ON PETITION
Application No. 60/651,932 :
Filed: February 9, 2005 :
Attorney Docket No. 8014-013-PR :

This is a decision on the petition filed March 9, 2005, requesting that the application be accorded a filing date of February 9, 2005, with Figure 4 as part of the original disclosure.

On February 9, 2005, applicants filed the above-identified application. However, on March 2, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of February 9, 2005, and advising applicants that Figure 4 appeared to have been omitted.

In response, on March 9, 2005, applicants submitted, *inter alia*, the present petition, 5 sheets of drawings, including Figure 4, Declarations of Jeff Landes, Esquire and Jennifer Hopper, and paid the requisite petition fee.

In the present petition Jeff Landes, attested that he prepared the above-identified application and included Figure 4 in the application. Mr. Landes stated that he reviewed the final application before giving it to his paralegal, Ms. Hopper, and noted that Figure 4 was included with the application documents. Ms. Hopper explained that in preparing the cover letter an postcard, she reviewed the application and determined that there were five drawing sheets labeled 1/5, 2/5, 3/5, 4/5 and 5/5, which she stated on both the cover letter and the postcard. Ms. Hopper further explained that she presented the cover letter, postcard, the reviewed

application and the Express Mail package to Mr. Landes for his final review and signature. Ms. Hopper stated that Mr. Landes reviewed these documents and signed the cover letter. Thereafter, Ms. Hopper made a copy of the documents, conducted a final review of the papers, and sealed them in an Express Mail envelope, which she deposited with the USPS.

Initially, the Office notes that the Office file is the official record of the papers originally filed in this application. A review of the official file reveals Figure 4 was not present in the file. The Notice of Omitted Items provided applicants with the following options: 1) if applicants contend that the omitted items were in fact deposited in the USPTO, applicants must file a petition and a $400.00 petition fee with evidence of such deposit, usually by way of a date-stamped postcard receipt; or 2) if applicants fail 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 applicants 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.

As previously stated, in support of applicants' assertion that Figure 4 was present on filing, applicants submitted the Declarations of Mr. Landes and Ms. Hopper. However, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollections or beliefs of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record.

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 by the Office. See MPEP 503.

Applicants submitted an itemized postcard receipt without a USPTO date-stamp. Accordingly, the postcard receipt does not serve as *prima facie* evidence of receipt of Figure 4 in the USPTO on February 9, 2005.

Accordingly, the petition is **dismissed**. Upon filing any request for reconsideration, applicants must submit a copy of postcard receipt with a USPTO date stamp of February 9, 2005.

The Office of Initial Patent Examination is directed to process the application with a filing date of February 9, 2005, with ONLY the application papers submitted on that date. Figure 4 will not be entered at this time.

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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San Diego, CA 92122

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MAY 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Terskikh et al.	:	DECISION ON PETITION
Application No. 60/651,932	:	
Filed: February 9, 2005	:	
Attorney Docket No. 8014-013-PR	:	

This is a decision on the renewed petition filed April 14, 2005, requesting that the application be accorded a filing date of February 9, 2005, with Figure 4 as part of the original disclosure.

On February 9, 2005, applicants filed the above-identified application. However, on March 2, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of February 9, 2005, and advising applicants that Figure 4 appeared to have been omitted.

In response, on March 9, 2005, applicants submitted, *inter alia*, a petition, 5 sheets of drawings, including Figure 4, Declarations of Jeff Landes, Esquire and Jennifer Hopper, and paid the requisite petition fee. The petition was dismissed by the decision of April 6, 2005.

On April 14, 2005, applicants filed, *inter alia,* the present renewed petition and a copy of applicants' postcard receipt acknowledging receipt of 5 sheets of drawings on February 9, 2005.

Upon review of the record, Figure 4, deposited on February 9, 2005, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 9, 2005, included Figure 4, which was subsequently misplaced in the United States Patent and Trademark Office.

Therefore, the application, including Figure 4, was complete on filing and will be granted a filing date of February 9, 2005.

Accordingly, the petition is granted.

The requirement for Figure 4 set forth in the Notice of Omitted Item(s) in a Provisional Application was sent in error and is hereby vacated. Accordingly, no petition fee is necessary. The $400.00 petition fee will be credited to Deposit Account No. 50-2235.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of February 9, 2005,** using Figures 1A, 1B, 2, 3 and 5 submitted on that date, and Figure 4 submitted on March 9, 2005, as part of the original disclosure, 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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/652,014	02/10/2005		1100	120143.409P1	2		

CONFIRMATION NO. 5898

UPDATED FILING RECEIPT

OC000000016054156

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

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)

Alan D. Watts, Dee Why, AUSTRALIA;
John D. Priest, Balmain, AUSTRALIA;

Power of Attorney: The patent practitioners associated with Customer Number **00500**.

If Required, Foreign Filing License Granted: 03/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/652,014

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Interleukin 5 receptor alpha and chimeric molecules thereof

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/652,185	02/10/2005		700	480102.413P2	39		

CONFIRMATION NO. 4276

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

CORRECTED FILING RECEIPT

OC000000015608189

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)

Gregory N. Beatch, Vancouver, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number **00500**.

If Required, Foreign Filing License Granted: 03/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/652,185

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

Non-Publication Request: No

Early Publication Request: No

Title

Compounds and compositions useful in modulating ion channel activity

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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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BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

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JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Paul Rivest : DECISION ON PETITION
Application No. 60/652,333 :
Filed: February 11, 2005 :
Attorney Docket No. 48010-2 :

This is a decision on the petition under 37 CFR 1.53, filed June 22, 2005, requesting that the above-identified application be accorded a filing date of February 11, 2005.

On February 11, 2005, applicant deposited the above-identified application. On June 3, 2005, the Office mailed a Notice of Incomplete Provisional Application, stating that the application was deposited without a specification and that the filing date would be the date of receipt of the specification.

In response, on June 22, 2005, applicant filed the present petition and a copy of applicant's postcard receipt acknowledging receipt of 6 pages of application, a Transmittal Form, and a Fee Transmittal on February 11, 2005. Additionally, applicant submitted 6 pages of specification with the present petition.

Upon review of the record, the 6 pages of specification, deposited on February 11, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 11, 2005, included 6 pages of specification, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 6 pages of specification, was complete on filing and will be granted a filing date of February 11, 2005.

Accordingly, the petition is granted.

The Notice of Incomplete Provisional Application was sent in error and is hereby vacated. Accordingly, no petition fee is necessary.

The Office finance records indicate that applicant paid a $130.00 petition fee. Effective December 8, 2004, the fee for the petition increased to $400.00. Therefore, the Office charged applicant's Deposit Account the difference of $270.00. As no petition fee is necessary, the amount of $400.00 will be credited to Deposit Account No. 23-3030.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of February 11, 2005,** using the 6 pages of specification submitted on June 22, 2005, as part of the original disclosure, 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

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EDWARD H. OLDHAM
20 JAMESON DRIVE
DUNDAS, ON L9H -5A2 CA CANADA

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MAR 30 2006
OFFICE OF PETITIONS

In re Application of :

Michael Vecchiola :

Application No. 60/652,524 : DECISION ON PETITION

Filed: February 14, 2005 :

Attorney Docket No. EHO 05179

This is a decision on the petition under 37 CFR 1.137(b), filed December 21, 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 March 8, 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 May 9, 2005. A Notice of Abandonment was mailed on November 8, 2005.

The claim of small entity status made December 21, 2005, 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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RAHWAY NJ 07065-0907

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OFFICE OF PETITIONS

In re Application of	:	
Shughrue et al.	:	
Application No. 60/652,538	:	ON PETITION
Filed: February 14, 2005	:	
Attorney Docket No. 21815PV	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed July 15, 2005, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from EUGENE KINNEY to GENE KINNEY.

Telephone inquiries regarding this decision should be directed to Paralegal Liana Chase at (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

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JUN 23 2005

OFFICE OF PETITIONS

In re Application of :
Shawn Utigard :
Application No. 60/652,972 : ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. UTIG-1-1001 :

This is a decision on the papers styled, "Petition" filed June 6, 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 February 14, 2005, including one (1) sheet of drawings.

The provisional application was submitted on February 14, 2005. However, on March 30, 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 June 6, 2005, the instant petition was submitted. Petitioner argues that one (1) sheet of drawings was filed on February 14, 2005. In support, the petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "Drawings 1 page (Figure 1)" on February 14, 2005. A review of the application file indicates the presence of zero (0) sheets of drawings. It is assumed that missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

The petition fee will be refunded by to deposit account no. 50-1050.

This application will be returned to OIPE for further processing with a filing date of February 14, 2005, using the one (1) sheets of drawings, supplied on June 6, 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/652,994	02/15/2005		200	700693-4030	1		

CONFIRMATION NO. 5736

CORRECTED FILING RECEIPT

OC000000015682342

34313
ORRICK, HERRINGTON & SUTCLIFFE, LLP
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

Date Mailed: 04/07/2005

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

Applicant(s)

Brion L. Keller, Binghamton, NY;

Power of Attorney:

Jeffrey Miller--35287

If Required, Foreign Filing License Granted: 03/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/652,994

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 logic failure diagnosis using multiple input signature register output streams

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

GRANTED

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 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
60/653,156	02/14/2005		200	27-125P	3		

CONFIRMATION NO. 7309

CORRECTED FILING RECEIPT

OC000000015574967

22898
THE LAW OFFICES OF MIKIO ISHIMARU
1110 SUNNYVALE-SARATOGA ROAD
SUITE A1
SUNNYVALE, CA 94087

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)

Taesung Jeong, Kyoungki-do, KOREA, REPUBLIC OF;
Hyeogchan Kwon, Seoul, KOREA, REPUBLIC OF;
Youngcheol Kim, Kyoung-do, KOREA, REPUBLIC OF;

Power of Attorney: The patent practitioners associated with Customer Number **22898**.

If Required, Foreign Filing License Granted: 03/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/653,156

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

Non-Publication Request: No

Early Publication Request: No

Title

Integrated circuit stacked package 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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5670 WILSHIRE BOULEVARD
SUITE 2100
LOS ANGELES, CA 90036-5679

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Robert R. Hayes et al	:	DECISION GRANTING
Application No. 60/653,568	:	PETITION
Filed: February 15, 2005	:	
Attorney Docket No. B-5559 622256-1	:	

This is a decision on the petition under 37 CFR 1.10, filed June 3, 2005, requesting that the above-identified application be accorded a filing date of February 15, 2005, rather than the presently accorded filing date of February 16, 2005.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on February 15, 2005, pursuant to the requirements of 37 CFR 1.10. In support, applicants provided, *inter alia*, a copy of the Express Mail label, receipt number EV336517815US, but, the "date-in" and the USPS receipt stamp on applicants' "Express Mail" mailing label is not legible. In further support, the petition is accompanied by a copy of the USPS sales receipt which indicates that the same Express Mail number was accepted on February 15, 2005. The aforementioned Express Mail number appears on the original transmittal papers for the subject application.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on February 15, 2005. Accordingly, the instant application is entitled to a filing date of February 15, 2005, 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.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

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
60/654,015	02/17/2005		225	UMB001-009P	11		

CONFIRMATION NO. 1681

31856
EVANS & MOLINELLI, PLLC
6411 CHAPEL VIEW ROAD
CLIFTON, VA 20124

UPDATED FILING RECEIPT

OC000000015985863

Date Mailed: 05/11/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Hamidreza Ghandehari, Ellicott City, MD;
Arash Hatefi, Timonium, MD;
Zaki Megeed, Cambridge, MA;

Power of Attorney:

Judith Evans--38874

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Recombinant protein-based polymers for systemic gene delivery

---

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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SUITE 3400
CHICAGO, IL 60661

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JUN 2 0 2005

OFFICE OF PETITIONS

In re Application of :
McArdle et al. :
Application No. 60/654,249 : DECISION
Filed: February 19, 2005 : ON PETITION
Atty Docket No. 16068US01 :

This is in response to the "Response to Notice of Incomplete Provisional Application and Request for Reconsideration," filed April 21, 2005, requests reconsideration of the decision not to accord a filing date to the above-identified application.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on February 19, 2005. However, on April 15, 2005, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because the application was deposited without drawings.

In response, applicant timely filed the instant petition. Applicants assert that even without the figures, the as-filed application provides an enabling disclosure in compliance with 35 U.S.C. § 112 for various subject matter, and thus, are entitled to the February 19, 2005 filing date for the subject matter supported by the as-filed application. (In the alternative, petitioner asserts that the application is entitled

to a filing date as of the date of filing of drawing figures, purportedly April 20, 2005).

35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). MPEP § 601.01(f).

A review of the original application papers filed February 19, 2005, reveals that they contained at least one process claim. Thus, the application, containing a specification and at least one claim was complete within the meaning of 37 CFR §1.53(b), and entitled to a filing date of February 19, 2005.

Accordingly, the petition is granted to the extent that the provisional application will be accorded the February 19, 2005 filing date with no drawings as a part of the original disclosure of the application.

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

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

And, MPEP § 601.01(g) further provides that:

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

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

As the specification contained references to drawing figures, mailing of a Notice requiring submission of those drawings was appropriate. The Office should have mailed a "Notice of Omitted Items" rather than a "Notice of Incomplete Provisional Application."

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although authorized, the petition fee has not been charged to petitioner's Deposit Account.

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

- Correction of the filing date to February 19, 2005; and

- 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 Petitions Attorney Nancy Johnson at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No. None

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180 NORTH STETSON AVENUE
CHICAGO IL 60601-6780

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JUN 14 2005

OFFICE OF PETITIONS

In re Application of :
Neil P. Desai et al. :
Application No. 60/654,261 : DECISION ON PETITION
Filed: February 18, 2005 :
Attorney Docket No.: 232531 :
Title: THERAPEUTIC USE OF :
ANTIBODY RECOGNIZING SPARC :

This is a decision on the petition filed May 16, 2005, requesting that application number 60/654,261 be accorded a filing date of February 18, 2005.

The application was deposited on February 18, 2005 without drawings. On April 27, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Provisional Application (Notice), stating that a filing date had not been accorded, and that a Filing Date would be accorded upon the depositing of drawings.

In response, on May 16, 2005, Petitioner filed the present petition. With the petition, Petitioner submitted 2 drawing sheets, containing Figures 1 and 2. Petitioner states that the drawings "were not included with the provisional application as filed[1]." Petitioner requests that the application be accorded a filing date of February 18, 2005, and submits that no drawings are required for the present application.

It is noted that Petitioner has not set explicitly stated that no new matter is being supplied with the filing of these two Figures. The submission of these drawings coupled with the request that the application be accorded the original date of deposit as the filing date will be construed as an affirmation

1 Petition, page 2.

that no new matter has been supplied with these drawings. Petitioner must notify the Office if this interpretation is not correct.

It is noted that the claims of the present application are directed towards a composition and a method. 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 compound, composition, or method claim as an application for which a drawing is not necessary for an understanding of the invention under the first sentence of 35 U.S.C. §113. A review of the record reveals that the claims contain 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 February 18, 2005.

Accordingly, the petition is **GRANTED-IN-PART.**

The Notice, mailed on April 27, 2005, was sent in error, and is hereby **VACATED.** As such, no petition fee is necessary, and the petition fee has not been charged to Petitioner's Deposit Account.

The Office of Initial Patent Examination (OIPE) will be notified that the application should be processed with a filing date of February 18, 2005, using the application papers filed on that date. OIPE will then mail a corrected filing receipt.

Although Petitioner has not requested that the above-mentioned drawings be entered into the application, the Office will construe the submission as a constructive request for entry. Unfortunately, the above-mentioned drawings, submitted on November 10, 2002, cannot be entered. Petitioner is reminded that Provisional applications cannot be amended[2].

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

2 See 37 C.F.R. §1.53(c). See also MPEP 601.01(b).

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OFFICE OF PETITIONS

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

In re Application of :
Eric Richard Cosman, Sr. :
Application No. 60/654,293 : ON PETITION
Filed: February 18, 2005 :
Attorney Docket No. 14936.0015 P1 :

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 above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed March 11, 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 May 12, 2005.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, the $1080 extension of time submitted with the petition on November 30, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The Power of Attorney and Change of Correspondence Address was accepted and recorded.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

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

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

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3200 SOUTHWEST FREEWAY, SUITE 2355
HOUSTON TX 77027

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SEP 0 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Abercia et al.	:	
Application No. 60/654,335	:	ON PETITION
Filed: February 18, 2005	:	
Attorney Docket No. W2-PAT-002US	:	

This is a decision on the petition filed May 13, 2005, requesting that the above-identified application be accorded a filing date of February 17, 2005, rather than the presently accorded date of February 18, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

37 CFR 1.10(d) states,

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

As to (3), petitioner has not made an adequate showing that the requested filing date is the date the correspondence was deposited in the Express Mail service. No evidence from the USPS has been submitted which would corroborate petitioner's assertion and there is no indication in the instant petition that any of the evidence submitted came into being after deposit and within one business day of the deposit of the correspondence. If fact, the evidence submitted supports a conclusion that the package in question was not entrusted to the USPS until 12:03 a.m. on February 18, 2005. The declaration by Wilson Castro Ramirez only establishes that he was inside the USPS before midnight on February 17, 2005 and, as such, cannot serve as evidence that the package itself was in the custody of the USPS on February 17, 2005.

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

By mail: Mail Stop PETITIONS
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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

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

Frances Hicks
Petitions Examiner
Office of Petitions

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HOUSTON TX 77027

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SEP 0 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Smith, Andrew Douglas	:	
Application No. 60/654,336	:	ON PETITION
Filed: February 18, 2005	:	
Attorney Docket No. W2-PAT-001US	:	

This is a decision on the petition filed May 13, 2005, requesting that the above-identified application be accorded a filing date of February 17, 2005, rather than the presently accorded date of February 18, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/654,347	02/18/2005		200	R029 10720.1	6		

CONFIRMATION NO. 4555

CORRECTED FILING RECEIPT

26158
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. BOX 7037
ATLANTA, GA 30357-0037

OC000000015760396

Date Mailed: 04/15/2005

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

Applicant(s)

LaTrece A. Russ, Atlanta, GA;

Power of Attorney:

Keats Quinalty--46426

If Required, Foreign Filing License Granted: 03/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/654,347

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

Non-Publication Request: No

Early Publication Request: No

Title

Handle design

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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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

COPY MAILED

MAY 11 2005

OFFICE OF PETITIONS

In re Application of :
William Thrailkill :
Application No. 60/654,404 : ON PETITION
Filed: February 18, 2005 :
Attorney's Docket No. 104058-0012 :

This is a decision on the petition, treated under 37 CFR 1.53(e), filed March 18, 2005, in response to the Notice of Incomplete Provisional Application mailed on March 11, 2005.

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

The application was filed on February 18, 2005, describing drawings containing Figures 1-4, but no drawings were filed. Accordingly, on March 11, 2005, 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, the present petition was filed. Petitioner argues that 1) the cover sheet and certificate of express mail are proof that four sheets of drawings were filed with the instant application and in the alternative, 2) that drawings are not necessary for an understanding of the subject matter sought to be patented.

Petitioner's arguments have been considered but are not persuasive. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner believes the papers were among the papers included in the application is not more persuasive than the actual papers shown to have been received by the official file. Therefore, petitioner should note that there is no requirement of 37 CFR 1.10(d) for a certificate of mailing by "Express Mail"[1] and that the application transmittal or cover sheet is, at best, only evidence of what was intended to be filed, not evidence of what was actually received or filed in the USPTO.

[1] See 1174 O.G. Pat. Of. 92 (May 16, 1995).

The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioners' postcard receipt does not indicate that drawings were filed and thus cannot serve as evidence that the application contained four sheets of drawings.

Based on petitioner's alternative argument that the drawings are not necessary for an understanding of the subject matter sought to be patented representation, this application will be accorded a filing date of February 18, 2005. 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. Thus, the petition fee will not be refunded. Petitioners are advised though that the fee for a petition to accord a filing date is set at $400.00 and not $130.00 and that pursuant to the authorization contained in the petition, deposit account no. 03-1237 has been charged in the amount of $400.00.

The application will be processed for filing date purposes using only the application papers present on February 18, 2005. The drawings filed with the present petition will not be processed as a part of the original disclosure, but will be retained in the application file.

The application file is being forwarded to the Office of Initial Patent Examination for for processing with a filing date of February 18, 2005, using only the application papers filed on that date, and for an indication on the bib-data sheet that no (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
60/654,439	02/18/2005		200	GW-0066-US-P	3		

CONFIRMATION NO. 2667

23549
THE GLEASON WORKS
1000 UNIVERSITY AVENUE
P O BOX 22970
ROCHESTER, NY 146922970

CORRECTED FILING RECEIPT

OC000000015623720

Date Mailed: 03/31/2005

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 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)

William D. McGlasson, Caledonia, NY;

Power of Attorney:

Robert McDowell--34080

If Required, Foreign Filing License Granted: 03/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/654,439

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

Non-Publication Request: No

Early Publication Request: No

Title

Method of gaging on gear lapping and testing machines

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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 L. WATHEN
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

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APR 13 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Gopalan et al. :
Application No. 60/654,836 :
Filed: February 22, 2005 :
Attorney Docket No. PST-17018/36 :

This is a decision on the petition filed March 21, 2005, requesting that the above-identified application be accorded a filing date of February 18, 2005, rather than the presently accorded date of February 22, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

37 CFR 1.10(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.

As to (2), after a review of the documents originally submitted, it does not appear the number of the "Express Mail" mailing label was placed on those papers.

A petition under 37 CFR 1.10 does not require a petition fee.

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

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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COMMISSIONER FOR PATENTS
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FOLEY & LARDNER, LLP
150 East Gilman Street
PO BOX 1497
MADISON, WI 53701-1497

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MAY 09 2005

OFFICE OF PETITIONS

In re Application of :
Spitz and Felton :
Application No. 60/654,987 :
Filed: February 22, 2005 :
For: A METHOD FOR PRODUCING PLASTIC : ON PETITION
EXTRUDED AND MOLDED PRODUCTS WITH :
COLOR VARIATION :

This is a decision on the Petition to Withdraw a Holding of a Drawing Requirement Under 37 CFR 1.53(e) and a Refusal to Accord a Filing Date, filed March 30, 2004, requesting the above-identified application be accorded a filing date of February 22, 2005.

The petition is granted.

The application was filed on February 22, 2005. On March 22, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Petitioner responds with the instant petition wherein Petitioner avers that the drawings are not necessary for an understanding of the invention.

A review of the file reveals that Petitioner is correct - the specification contains composition claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a composition application as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. § 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter

> discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application is contains a method claim ("[a] method for forming…"); 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 March 22, 2005, was mailed in error and is hereby withdrawn.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of February 22, 2005, and an indication that no drawings were required nor present on filing.

The petition fee has been refunded to deposit account 50-2350 as authorized in the instant petition.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Paper No. None

VAN DYKE, GARDNER, LINN AND BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E.
P.O. BOX 888695
GRAND RAPIDS MI 49588-8695

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JUN 14 2005

OFFICE OF PETITIONS

In re Application of :
Richard A. Flaherty et al. :
Application No. 60/655,160 : DECISION ON PETITION
Filed: February 22, 2005 :
Attorney Docket No.: LEA03 P-303B :
Title: LIGHTED POST ASSEMBLY :
:

This is a decision on the petition filed April 18, 2005, requesting that Figure 66 be accorded a filing date of February 22, 2005, as part of the original disclosure.

The application was deposited on February 22, 2005. However, on March 22, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application (notice)," stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figure 66. The notice set a two-month period for response.

In response, on April 18, 2005, applicants filed the present petition. The petition is further accompanied by a declaration, a copy of Figure 66 and a copy of applicants' postcard receipt acknowledging receipt of "20 sheets of drawings" in the United States Patent and Trademark Office (Office) on February 22, 2005. Applicants request that Figure 66 be accorded a filing date of February 22, 2005 as part of the original disclosure.

It is noted that 20 sheets of drawings have been located in the electronic file containing Figures 58A - 80, including Figure 66. As such, Figure 66 has been located in the electronic file.

Upon review of the record, the above-mentioned figure has been located among the application papers. As such, the evidence is convincing that the application papers deposited on February 22, 2005 included Figure 66.

Therefore, the application, including Figure 66, was complete on filing and this figure is entitled to a filing date of February 22, 2005 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed March 22, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $400 has not been charged to Petitioner's Deposit Account.

The Office of Initial Patent Examination will be advised to process this application with a filing date of February 22, 2005, using the original application papers filed on that date, as well as Figure 66 submitted on filing, and for indication in Office records that this figure was present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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COMMISSIONER FOR PATENTS
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Paper No. None

TRANSFORM PHARMACEUTICALS, INC.
29 HARTWELL AVENUE
LEXINGTON MA 02421

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AUG 18 2005

OFFICE OF PETITIONS

In re Application of
Orn Almarsson et al.
Application No. 60/655,762
Filed: February 24, 2005
Attorney Docket Number: TPIP055E+
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 5, 2005. With the present petition, Petitioner has indicated that similar issues exist in applications 60/599,320 and 60/604,861 – 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.

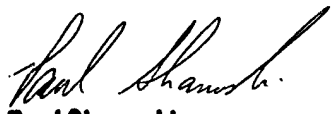
As it is not clear which of these two resolutions Petitioner would prefer, the petition under 37 C.F.R. §1.183 is **DISMISSED**.

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

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of
Orn Almarsson et al.
Application No. 60/655,762
Filed: February 24, 2005
Attorney Docket Number: TPIP055E+
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 February 24, 2005, 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

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SEP 28 2006

OFFICE OF PETITIONS

Brent D. Sokol
418 North La Jolla Avenue
Los Angeles, CA 90048

In re Application of
CHIANG, et al.
Application No.: 60/656,155
Filed: February 23, 2005
Attorney Docket No.: 001/003US

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the "Notice to File Missing Parts of Non-Provisional Application" mailed March 14, 2005 which set a two month period for reply. No response was filed and no extensions of time under provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on May 15, 2005. Applicant was mailed a "Notice of Abandonment Under 37 CFR 1.53(f) or (g) on November15, 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 an executed declaration of the inventors and payment of the outstanding fees; (2) the petition fee and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action of March 14, 2005 is accepted as having been unintentionally delayed.

The application is being referred to Office of Initial Patent Examination (OIPE).

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/656,458	02/24/2005		100		22		

CONFIRMATION NO. 4218

John W. Fitzgerald
2827 River Trace Circle
Bradenton, FL 34208

CORRECTED FILING RECEIPT

OC000000015791115

Date Mailed: 04/20/2005

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

Applicant(s)

John William Fitzgerald, Bradenton, FL;

Power of Attorney: None

If Required, Foreign Filing License Granted: 03/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/656,458

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Four cycle, premixed charge compression ignition, free-piston, internal combustion reciprocating engine with a floating (variable) piston stroke

LICENSE FOR FOREIGN FILING UNDER

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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
60/656,639	02/24/2005		100	2469/4	5		

CONFIRMATION NO. 3955

CORRECTED FILING RECEIPT

OC000000015727651

Michael H. Baniak / Steven B. Courtright
BANIAK PINE & GANNON
Suite 1200
150 N. Wacker Drive
Chicago, IL 60606

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)

Emil M. Verban, Bloomington, IL;

Power of Attorney:

Michael Baniak--30608
Steven Courtright--40966

If Required, Foreign Filing License Granted: 03/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/656,639

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Dental drill system and stop collar for preparing implant bed for implants

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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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 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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McANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

COPY MAILED

JUN 28 2005

OFFICE OF PETITIONS

In re Application of :
McArdle et al. :
Application No. 60/656,686 :
Filed: February 24, 2005 : ON PETITION
Attorney Docket Number: :
16257US91 :

This is in response to the Petition to Withdraw Notice of Omitted Item(s), filed May 24, 2005. The petition requests that the application be accorded a filing date of February 24, 2005, including Figure 11 described in the specification. The petition is properly treated as a petition under 37 CFR 1.53.

The above-identified application was filed on February 24, 2005. However, on March 21, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), informing Applicant, *inter alia*, that a filing date had been accorded the application; however, Figure 11 described in the specification appeared to have been omitted from the application.

In response to the Notice, Applicant files the instant petition and includes a copy of Applicant's Cover Sheet filed with the application. The cover sheet includes a section entitled "Enclosed Application Parts", wherein Applicant listed 9 drawing sheets among the application papers filed with the application. The Cover Sheet includes a USPTO stamp indicating receipt of the application on February 24, 2005.

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

The copy of Figure 11, filed with the instant petition on May 24, 2005, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 13-0017, as requested in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of February 24, 2005, and an indication that Figure 11 described in the specification was present on filing, using the Figure 11 filed with the instant petition on May 24, 2005.

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

Derek L. Woods
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
60/656,729	02/25/2005		200	ASMEX.520PR	4		

CONFIRMATION NO. 3883

CORRECTED FILING RECEIPT

OC000000016503090

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 07/12/2005

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)

Paul D. Brabant, Phoenix, AZ;
Paul Jacobson, Phoenix, AZ;
Keith D. Weeks, Gilbert, AZ;

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

If Required, Foreign Filing License Granted: 03/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/656,729

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

Non-Publication Request: No

Early Publication Request: No

Title

Purifier for chemical reactor

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

GRANTED

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NOT GRANTED

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

SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 110
SILVER SPRING MD 20910

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SEP 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Sally Malanga :
Application No. 60/656,759 : DECISION ON PETITION UNDER
Filing Date: February 25, 2005 : 37 C.F.R. §1.10(c)
Attorney Docket No. 5579 :
Title: SKIN CARE PRODUCT :
CONTAINING FRAGRANT NON- :
SYNTHETIC PRESERVATIVE :

This is a decision on the petition under 37 C.F.R. §1.10(c), filed September 9, 2005, requesting the according of a filing date of February 25, 2005 to application number 60/656,759.

The application was deposited on February 25, 2005. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 60/656,759 had been accorded a filing date of February 28, 2005.

With the present petition, Petitioner has included a copy of the Express Mail label number EO907770541US[1].

Petitioner has alleged that the application was deposited on February 25, 2005, and the Patent Office has incorrectly assigned a filing date of February 28, 2005 to the instant application. Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of February 25, 2005.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States

1 The Provisional Application for Patent cover sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) was equally inconclusive.

Although the application received a filing date of February 28, 2005, the evidence is convincing that the application papers were filed on February 25, 2005, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of February 25, 2005.

Accordingly, the petition is **GRANTED.**

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 25, 2005, as well as the mailing of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John P. White, Esq.
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

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AUG 1 5 2005

OFFICE OF PETITIONS

In re Application of :
Feinstein and Mor :
Application No. 60/657,555 : DECISION GRANTING PETITION
Filed: March 1, 2005 :
Attorney Docket No. 74007-PROJPW/LEN :

This is a decision on the petition filed July 29, 2005(certificate of mailing dated July 26, 2005), to vacate the "Notice of Omitted Items in Provisional Application (the "Notice").

The petition is **granted**.

On March 1, 2005, the above-identified application was filed. However, on May 26, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date, but that pages 33 of the specification, appeared to have been omitted. The Notice set a two-month period for reply.

In response, on July 29, 2005, applicant filed the present petition, a copy page 33 of the specification, and an Office date-stamped postcard receipt acknowledging receipt of 131 pages of the specification, among other items.

Upon review of the record, page 33 was not located among the application papers. However, the evidence is convincing that the application papers deposited March 1, 2005, included 131 pages of the specification and the Office subsequently misplaced page 33. Therefore, the application, including page 33 of the specification, was complete on filing and entitled to a filing date of March 1, 2005.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of $400.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 1, 2005, using the 131 pages of the specification filed on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Visionix
The Technology Park
Malcha
P.O. Box 48261
Jerusalem 91481 IL ISRAEL

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JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Abitbol & Herman :
Application No. 60/657,715 : ON PETITION
Filed: March 3, 2005 :
Attorney Docket No. N/A :
For: VARIABLE LENS PHOROPTER

This is a decision on the correspondence, filed May 18, 2006, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party. No additional petition fee will be due when petitioners file a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Haggai Herman, General Manager, Visionix Ltd.. Mr. Herman has not provided an attorney registration number and a review of Office records does not reveal that a person named Haggai Herman has been assigned a registration number. Mr. Herman has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Mr. Herman has not established that he is permitted to file amendments and other papers in this application on his own. It is noted that he is one of two joint inventors.

In any reconsideration petition, applicants are encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Mr. Herman's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Mr. Herman and in this

manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by both inventors.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Visionix
The Technology Park
Malcha
P.O. Box 48261
Jerusalem 91481 IL ISRAEL

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OCT 30 2006

OFFICE OF PETITIONS

In re Application of :
Abitbol & Herman :
Application No. 60/657,715 : ON PETITION
Filed: March 3, 2005 :
Attorney Docket No. N/A :
For: VARIABLE LENS PHOROPTER

This is a decision on the petition, filed September 5, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

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

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

The Office contends that the above-identified application became abandoned for failure to submit a reply to the June 1, 2005 Notice to File Missing Parts of Nonprovisional Application, which set an extendable two month period for reply. No reply being received, the Office considered this application abandoned on August 2, 2005. A Notice of Abandonment was mailed on February 22, 2006.

Petitioners allege that the June 1, 2005 Notice was not received at the correspondence address of record. A review of the record indicates no irregularity in the mailing of the June 1, 2005 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicants at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from petitioners stating that the Office communication was not received by petitioners and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in petitioners' statement.[1]

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because (1) practitioner did not include a statement that a thorough search of the file jacket and docket records was conducted and (2) practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioners have not provided adequate evidence of non-receipt. The petition is dismissed.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

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
60/657,788	03/01/2005		200	GENSP183P	10		

CONFIRMATION NO. 2286

022434
BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

CORRECTED FILING RECEIPT

OC000000015758899

Date Mailed: 04/15/2005

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

Applicant(s)

Greg Neal, Morgan Hill, CA;
Anders Frisk, Menlo Park, CA;

Power of Attorney:

Michael Ferrazano--44105

If Required, Foreign Filing License Granted: 03/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/657,788

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 transmitting data from a computer to a monitor

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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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE, FL 32614-2950

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AUG 0 9 2005

OFFICE OF PETITIONS

In re Application of : ON PETITION
Niblett, et al. :
Application No. 60/657,821 :
Received: March 1, 2005 :
Docket No.: VEN-100P2 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.17(f)," filed May 24, 2005, to have figures 1-12 made of record as of the March 1, 2005.

The application was filed March 1, 2005. The Notice of Omitted Items mailed April 25, 2005 indicated that the application had been accorded a filing date but that figures 1-12 described in the specification appeared to have been omitted from the application as filed.

The Notice permitted applicant to either: (1) promptly establish prior receipt in the PTO of the omitted items 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 items in question were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

In response to the Notice, petitioners assert that the application as filed included figures 1-12 and has included as proof of submission and receipt of the referenced figures a copy of a stamped receipt acknowledging USPTO receipt of the drawing sheets, among other items.

The arguments and evidence submitted by petitioner have been considered and found persuasive. Accordingly, the Notice mailed April 25, 2005 is hereby **WITHDRAWN** and the petition is **GRANTED**.

Since the original figures 1-12 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. A refund of the previously submitted petition fee of $400.00 has been requested on petitioners' behalf from the Finance Office, Refund Section.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 1, 2005 with figures 1-12 a part of the application as filed.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KOREN ANDERSON
MOLECULAR PROBES, INC.
29851 WILLOW CREEK ROAD
EUGENE OR 97402-9132

COPY MAILED

SEP 30 2005

OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 60/657,845 : DECISION ON PETITION
Filed: March 1, 2005 :
Attorney Docket No. IVGN 047 PRO :
Title of Invention: Enhancement of Nucleic :
Acid Amplification Using Double-stranded :
Dna Binding Proteins :

This is a decision on the petition filed May 10, 2005, requesting that the above-identified application be accorded a filing date of February 28, 2005, instead of the presently accorded filing date of March 1, 2005.

Petitioners request the earlier filing date on the basis that the application was filed with the Office on February 28, 2005. Petitioner states the application was mailed as Express Mail Label EV495998599US at an Express Mail drop box. However, the package was returned because the Express Mail Label did not contain an address.

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 (c) of 37 CFR 1.10 states that:

---

[1] See 37 CFR 1.6(a).

> 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 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.

The petition lacks the showing required for item (3).

As to item (3), although petitioner has presented a true copy of the "Express Mail" label with a date-in, the date of February 28, 2005 cannot be granted because it was not properly addressed. 37 CFR 1.1 provides the addresses required to send correspondence to the Patent and Trademark Office. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail " drop box) do so at the risk of not receiving a copy of the "Express Mail " mailing label with the desired "date-in ". Here the failure to provide a proper addressee pursuant to 37 CFR 1.10 resulted in the package not officially be accepted by the USPS. Petitioner assumed the risk by using an Express Mail drop box and failed to provide a proper addressee.

The petition is **DISMISSED**.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision to be considered timely. No extensions of time under 37 CFR 1.136 are available.

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 may be directed to the undersigned at (571) 272-3215.

Charlema. R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LE YI WANG
45466 EMERALD FOREST DRIVE
NOVI MI 48374

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DEC 20 2005

OFFICE OF PETITIONS

In re Application of
Le Yi Wang et al.
Application No. 60/658,200
Filed: March 4, 2005
Title of Invention: METHOD AND SYSTEM FOR CONTINUOUS COMPUTERIZED MONITORING AND DIAGNOSIS OF BODY SOUNDS

ON PETITION

This is a decision on the petition filed December 12, 2005, to revive the above identified application. The petition is treated under 37 CFR 1.137(b)[1].

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 March 23, 2005 which required the submission of additional filing fees. Accordingly, a Notice of Abandonment was mailed December 5, 2005.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (2) of the regulation.

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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)).

Effective December 8, 2004, the fee for a petition to revive under the unintentional standard (37 CFR 1.137(b)) was set at $750.00 for a small entity and $1500.00 for a large entity. Alternatively, the fee for a petition to revive under the unavoidable standard (37 CFR 1.137(a)) was set at $250.00 for a small entity and $500.00 for a large entity.

While petitioners filed the instant petition to revive, the petition indicates failure to receive the Notice as the reason the additional fees where not timely submitted. In that case, petitioners could have filed the petition under 37 CFR 1.181 which does not require the submission of a petition fee. However, the standards of proof are different from that of a petition to revive.

In any case, the petition is titled "Petition to Revive" and since no fees were submitted with the petition and since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid.

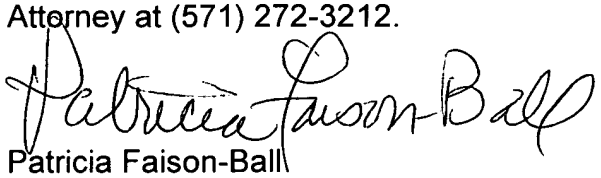
In view of the above, the application will remain in an abandoned status until such time as the petition fee has been paid.

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

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

By FAX: (571) 273-8300

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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LE YI WANG
45466 EMERALD FOREST DRIVE
NOVI MI 48374

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FEB 0 8 2006

OFFICE OF PETITIONS

In re Application of
Le Yi Wang et al.
Application No. 60/658,200
Filed: March 4, 2005
Title of Invention: METHOD AND SYSTEM FOR CONTINUOUS COMPUTERIZED MONITORING AND DIAGNOSIS OF BODY SOUNDS

ON PETITION

This is a decision on the renewed petition filed January 26, 2006, to revive the above identified application. The petition is treated under 37 CFR 1.137(b)[1].

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed March 23, 2005 which required the submission of additional filing fees. Accordingly, a Notice of Abandonment was mailed December 5, 2005. A petition filed December 12, 2005 was dismissed in a decision mailed December 20, 2005 because the petition lacked the proper fees as set forth in 37 CFR 1.17(m).

Comes now petitioner with the petition fee in the amount of $750.00 and seeing as how all other requirements under 37 CFR 1.137(b), and the response to the Notice to File Missing Parts mailed March 23, 2005, have been met, this matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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Alexandria, VA 22313-1450
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Kirkpatrick & Lockhart Nicholson Graham LLP
(Formerly Kirkpatrick & Lockhart)
75 State Street
Boston, MA 02109-1808

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MAY 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Susanna Chubinskaya : DECISION ON PETITION
Application No. 60/659,234 :
Filed: March 7, 2005 :
Attorney Docket No. STK-083PR :

This is a decision on the petition filed April 1, 2005, requesting that the above-identified provisional application be accorded a filing date of March 7, 2005, without the submission of drawings.

On March 7, 2005, applicant deposited this application with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on March 23, 2005, 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 April 1, 2005, applicant submitted the present petition and a check in the amount of $400.00 for the petition fee. In the present petition, applicant requested that the above-identified application be accorded a filing date of March 7, 2005, the date the application was deposited with the Office without drawings. Specifically, applicant stated the drawings were not necessary for the understanding of the subject matter sought to be patented. Additionally, applicant asserted: ". . . the subject matter of any figures or drawings suggested by the application is clearly described by the narrative of the application itself."

A review of the record reveals the application papers deposited on March 7, 2005, 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 necessary for the understanding of the subject matter sought to be patented.

In view of the above, the petition is granted.

The application will be processed with a filing date of March 7, 2005, as requested in the petition, without any drawings.

The Office will not refund the $400.00 petition fee because the filing of the present petition was not caused by an error on the part of the Office.

The Office of Initial Patent Examination is directed to process the application with a filing date of March 7, 2005, 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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Kirkpatrick & Lockhart Nicholson Graham LLP
(Formerly Kirkpatrick & Lockhart)
75 State Street
Boston, MA 02109-1808

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MAY 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Susanna Chubinskaya :
Application No. 60/659,234 :
Filed: March 7, 2005 :
Attorney Docket No. STK-083PR :

CORRECTED DECISION ON PETITION

This is a decision on the petition filed April 1, 2005, requesting that the above-identified provisional application be accorded a filing date of March 7, 2005, without the submission of drawings.

On March 7, 2005, applicant deposited this application with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on March 23, 2005, 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 April 1, 2005, applicant submitted the present petition and a check in the amount of $400.00 for the petition fee. In the present petition, applicant requested that the above-identified application be accorded a filing date of March 7, 2005, the date the application was deposited with the Office without drawings. Specifically, applicant stated the drawings were not necessary for the understanding of the subject matter sought to be patented. Additionally, applicant asserted: ". . . the subject matter of any figures or drawings suggested by the application is clearly described by the narrative of the application itself."

A review of the record reveals the application papers deposited on March 7, 2005, 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 for the understanding of the subject matter sought to be patented.

In view of the above, the petition is granted.

The application will be processed with a filing date of March 7, 2005, as requested in the petition, without any drawings.

The Office will not refund the $400.00 petition fee because the filing of the present petition was not caused by an error on the part of the Office.

The Office of Initial Patent Examination is directed to process the application with a filing date of March 7, 2005, 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

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600 PLACE VICTORIA, STE. 3400
MONTREAL, QUEBEC, H4Z 1E9
CANADA

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Silversides et al. :
Application No. 60/659,398 :
Filed: March 9, 2005 : ON PETITION
For: NEURAL CREST SPECIFIC :
PROMOTORS; ISOLATED NEURAL CREST; :
AND METHODS OF ISOLATING AND USING :
SAME :

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed June 21, 2005, requesting the above-identified application be accorded a filing date of May 11, 2005, including Figures 17-20 (24 sheets) described in the specification.

The application was filed on March 9, 2005. On June 21, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figures 17-20 described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that Figures 17-20 described in the specification were originally filed with the application on March 9, 2005, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of two (2) return-receipt postcard, each acknowledging receipt of, *inter alia*, 45 sheets of drawings in the above-identified application by this Office on March 9, 2005.

A review of the return-receipt postcards reveals that Applicant is correct. The postcards acknowledge receipt of, *inter alia*, 45 sheets of drawings in the above-identified application by this Office on March 9, 20051. Applicant has also re-filed Figures 17-20 (24 sheets) described in the specification.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of

[1] Office records indicate receipt of 21 sheets of drawings.

receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The petition fee has been refunded to deposit account 11-0171 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 May 11, 2005, and an indication that Figures 17-20 described in the specification were included among 45 sheets of drawings filed on March 9, 2005, using Figures 17-20 described in the specification filed with the instant petition on July 6, 2005.

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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600 PLACE VICTORIA, STE. 3400
MONTREAL, QUEBEC, H4Z 1E9
CANADA

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Silversides et al. :
Application No. 60/659,398 :
Filed: March 9, 2005 : ON PETITION
For: NEURAL CREST SPECIFIC :
PROMOTORS; ISOLATED NEURAL CREST; :
AND METHODS OF ISOLATING AND USING :
SAME :

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed June 21, 2005, requesting the above-identified application be accorded a filing date of May 11, 2005, including Figures 17-20 (24 sheets) described in the specification.

The application was filed on March 9, 2005. On June 21, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figures 17-20 described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that Figures 17-20 described in the specification were originally filed with the application on March 9, 2005, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of two (2) return-receipt postcard, each acknowledging receipt of, *inter alia*, 45 sheets of drawings in the above-identified application by this Office on March 9, 2005.

A review of the return-receipt postcards reveals that Applicant is correct. The postcards acknowledge receipt of, *inter alia*, 45 sheets of drawings in the above-identified application by this Office on March 9, 20051. Applicant has also re-filed Figures 17-20 (24 sheets) described in the specification.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of

[1] Office records indicate receipt of 21 sheets of drawings.

receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The petition fee has been refunded to deposit account 07-1742 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 May 11, 2005, and an indication that Figures 17-20 described in the specification were included among 45 sheets of drawings filed on March 9, 2005, using Figures 17-20 described in the specification filed with the instant petition on July 6, 2005.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/660,044	03/08/2005		200	21922PV	2		

CONFIRMATION NO. 1375

CORRECTED FILING RECEIPT

OC000000018251473

000210
MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

Date Mailed: 03/09/2006

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)

Louis Matty JR., Basking Ridge, NJ;
Yaling Wang, Westfield, NJ;

Power of Attorney:

Kenneth Walton--32951

If Required, Foreign Filing License Granted: 03/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/660,044

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Crystalline sodium salt of an HIV integrase inhibitor

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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Michael F. Hoffman
Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany NY 12207

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OFFICE OF PETITIONS

In re Application of :
Edward J. Shilltoe :
Application No. 60/660,266 : ON PETITION
Application Filing Date: March 10, 2005 :
Attorney Docket No. **SUNY-0014**

This is a decision on the petition under 37 CFR 1.59(b) filed February 27, 2009.

The petition is granted[1].

Petitioner requests that specification filed March 10, 2005, be expunged from the above-cited application because it contained sensitive information relative to the inventor. Although the specification is part of the original disclosure and normally prohibited from expungement under 37 CFR 1.59(a), petitioner has provided a copy of the specification with the sensitive information redacted which will take the place of the specification being expunged by the instant decision.

Accordingly, the specification filed March 10, 2005 will be expunged from the application file.

Petitioner is advised that the documents cannot be returned as the original papers were scanned into an electronic file with the hard copies being destroyed thereafter.

Questions concerning this decision may be addressed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] This decision was made in consultation with the supervisory staff of the Office of Petitions.

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Grandi, et al. :
Filed: March 11, 2005 : ON PETITION
Application No. 60/660,321 :
Atty. Dkt. No.: 002441.00117 :

This decision is in response to the "PETITION UNDER 37 C.F.R. § 1.53(e)" filed June 9, 2005.

The application was filed March 11, 2005. The Notice of Omitted Items in a Nonprovisional Application (Notice) mailed April 19, 2005 indicated that the application had been accorded a filing date but that page 166 of the specification appeared to have been omitted from the application as filed.

In response, petitioners argue that the application as deposited included page 166 of the specification. Petitioners have included as proof of mailing and proof of receipt of page 166 of the specification a return postcard date stamped by the Office on March 11, 2005. A copy of page 166 of the specification purportedly filed with the application on March 11, 2005 was also supplied.

The original page 166 of the specification submitted with the application papers has not been located. However, in view of the evidence presented, the Notice mailed April 19, 2005 is hereby **WITHDRAWN** and the petition to accord the application a filing date of March 11, 2005 is **GRANTED**.

Since the original page 166 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. A refund of the previously submitted $400.00 petition fee has been requested from the Finance Office, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 11, 2005 with page 166 of the specification as part of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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
60/660,623	03/10/2005		125	141/04453	23		

CONFIRMATION NO. 6081

CORRECTED FILING RECEIPT

OC000000015984090

William H. Dippert, Esq.
Reed Smith LLP
29th Floor
599 Lexington Avenue
New York, NY 10022-7650

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)

Inon Berent, Haifa, ISRAEL;
Aviram Sariel, Ramot-Hashavim, ISRAEL;
Yaron Hefetz, Herzelia, ISRAEL;

Power of Attorney:

Maier Fenster--41016

If Required, Foreign Filing License Granted: 04/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/660,623

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

William H. Dippert, Esq.
Reed Smith LLP
29th Floor
599 Lexington Avenue
New York NY 10022-7650

In re Application of :
Inon Berent, et al. :
Application No. 60/660,623 : DECISION ON PETITION
Filed: March 10, 2005 :
Attorney Docket No. 141/04453 :

This is a decision in response to a petition filed May 4, 2005, requesting that the above-identified application be accorded a filing date of March 10, 2005.

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 May 10, 2005.

Accordingly, the present petition is dismissed as moot.

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

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

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MAY 27 2005

OFFICE OF PETITIONS

In re Application of :
Viji Raveendran :
Application No. 60/660,676 : ON PETITION
Filed: March 10, 2005 :
Attorney Docket No. 050552P4 :

This is a decision on the petition filed May 10, 2005, requesting that the above identified provisional application be accorded a filing date of March 10, 2005.

The provisional application was deposited on March 10, 2005. However, on March 28, 2005, 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 to the Notice, on May 10, 2005, the instant petition was filed.

Petitioner states, "The application previously submitted and corrected herein removes the references of any figures since the figures are not necessary for the understanding of the subject matter sought to be patented." It is noted that the petition contains the statement that drawings are not necessary for an understanding of the subject matter and the petition is signed by a registered practitioner.

Accordingly, the petition is granted.

Please note, provisional applications cannot be amended.

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 March 10, 2005, with zero (0) drawings received on that date.

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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OFFICE OF PETITIONS

In re Application of :
Bates et al. :
Application No. 60/660,709 : ON PETITION
Filed: March 11, 2005 :
Attorney Docket No. 54435.8023.US00 :

This is a decision on the paper filed on June 13, 2005, which is being treated as a petition requesting that the above-identified provisional application be accorded a filing date of March 11, 2005.

The petition is **granted**.

The application was filed on March 11, 2005.

The drawings referred to in the specification were not filed with the application.

On April 14, 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 the drawings.

The petition requests:

(1) the application be accorded a filing date of March 11, 2005, without the drawings, or

(2) the drawings filed June 13, 2005, be accepted and the application accorded a filing date as of the date the drawings were received.

The application, without the drawings, will be accorded a filing date of March 11, 2005.

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 directed to 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.

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).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)," and not a "Notice of Incomplete Application," 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 April 14, 2005, was mailed in error and is hereby withdrawn.

The application will be accorded the March 11, 2005 March 21, 2001 filing date without drawings as requested in the petition.

It should be noted that the claims filed in any subsequent non-provisional application will determine whether or not drawings are necessary for that application since the "subject matter sought to be patented" is determined by the claims in the non-provisional application. Therefore, the instant decision should not be construed as a determination that drawings would or would not be necessary for a filing date for any future non-provisional applications.

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

The Office of Initial Patent Examination will accord the application a filing date of 60/660,709 using only the papers filed March 11, 2005.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Imai
Application No. 60/660,716
Filed: March 11, 2005
Attorney Docket No. 1858-6866US

ON PETITION

This is a decision on the petitions under (1) 37 CFR 1.48(d) to correct the inventorship in the above-identified application by adding Kenjii Nakayama, (2) 37 CFR 1.48(e) to correct the inventorship in the above-identified application by deleting Yasuo Imai, and (2) 37 CFR 1.183, requesting waiver of 37 CFR 1.48(e)(2), which requires a statement of lack of deceptive intent from the inventor who is to be deleted as a named inventor. The petitions were filed on September 11, 2006 (certificate of mailing date September 8, 2006).

The petition under 37 CFR 1.48(d) to correct inventorship is **GRANTED**.

The petition under 37 CFR 1.183 to waive 37 CFR 1.48(e)(2) is **GRANTED**.

The petition under 37 CFR 1.48(e) to correct inventorship is **GRANTED**.

A Provisional Application for Patent Cover Sheet was filed on March 11, 2005 that listed Yasuo Imai as the inventor of the above-identified application.

The instant petitions were filed to correct the inventorship by adding Kenjii Nakayama as the sole inventor and deleting Yasuo Ima.

37 CFR 1.48(d) states:

Provisional application —adding omitted inventors . If the name or names of an inventor or inventors were omitted in a provisional application through error without any deceptive intention on the part of the omitted inventor or inventors, the provisional application may be amended to add the name or names of the omitted inventor or inventors. Amendment of the inventorship requires:

(1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the inventor or inventors being added and states that the inventorship error occurred without deceptive intention on the part of the omitted inventor or inventors; and

(2) The processing fee set forth in § 1.17(q).

Petitioner has met the above requirements. The petition under 37 CFR 1.48(d) is **granted**. Kenjii Nakayama has been added as inventor.

37 CFR 1.48(e) states:

(e) Provisional application —deleting the name or names of the inventor or inventors . If a person or persons were named as an inventor or inventors in a provisional application through error without any deceptive intention on the part of such person or persons, an amendment may be filed in the provisional application deleting the name or names of the person or persons who were erroneously named. Amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement by the person or persons whose name or names are being deleted that the inventorship error occurred without deceptive intention on the part of such person or persons;

(3) The processing fee set forth in § 1.17(q); and

(4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee

A petition under 37 CFR 1.183 to waive 37 CFR 1.48(e)(2) was filed because it would be extremely difficult to obtain a statement from the erroneously named inventor, Yasuo Imai. Mr. Imai was the President of the Japanese Patent Office at the time the above-identified application was filed. In addition, petitioner has explained that Mr. Imai was named inventor due to counsel's incorrect reading of the translation document of the Japanese language application, which was provided to counsel for the purpose of preparing the provisional application. A copy of the translation has been provided. It shows that Kenjii Nakayama was listed as inventor and that counsel misread the document.

Petitioner has shown (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).

The petition under 37 CFR 1.183 to waive 37 CFR 1.48(e)(2) is granted.

With the granting of the waiver of 37 CFR 1.48(e)(2), petitioner has satisfied the requirements of 37 CFR 1.48(e).

Petitioner has shown that this provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR 1.48(d) and 37 CFR 1.48(e). The inventorship of this application has been changed by the addition of Kenjii Nakayama and the deletion of Yasuo Imai.

Please find enclosed a corrected filing receipt that reflects the corrected inventorship.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: corrected filing receipt

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2600 ARAMARK TOWER
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PHILADELPHIA PA 19107-2950

In re Application of
Van Rompaey :
Application No. 60/660,741 : DECISION ON PETITION
Filing Date: 11 March, 2005
Attorney Docket No. P30,484 USA :

This is a decision on the petition filed on 29 April, 2005, and considered herein under 37 C.F.R. §1.53.

The petition is **GRANTED in part**, and **DISMISSED in part**.

BACKGROUND

The application was deposited on 11 March, 2005.

On 29 March, 2005, 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.

On 29 April, 2005, Petitioner submitted the instant petition and stated therein: "Applicant respectfully submits that although the present application was filed without drawings, drawings are not a necessary component of a provisional application 37 C.F.R. §1.53(c)." (Petition, page 1. Emphasis supplied.)

Petitioner mis-appreciates the provisions of the regulation.

Congress has provided that:

> **35 U.S.C. 113 Drawings.**
> The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Director may require its submission within a time period of not less than two months from the sending of a notice thereof. Drawings submitted after the filing date of the application may not be used (I) to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or (ii) to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

The regulations at 37 C.F.R. §1.53(c) provide:

> (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.
>
> (1) A provisional application must also include the cover sheet required by §1.51(c)(1), which may be an application data sheet (§ 1.76), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section.
>
> (2) An application for patent filed under paragraph (b) of this section may be converted to a provisional application and be accorded the original filing date of the application filed under paragraph (b) of this section. The grant of such a request for conversion will not entitle applicant to a refund of the fees that were properly paid in the application filed under paragraph (b) of this section. Such a request for 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
>
> (iv) The filing of a request for a statutory invention registration

under §1.293 in the application filed under paragraph (b) of this section.

(3) A provisional application filed under paragraph (c) of this section may be converted to a nonprovisional application filed under paragraph (b) of this section and accorded the original filing date of the provisional application. The conversion of a provisional application to a nonprovisional application will not result in either the refund of any fee properly paid in the provisional application or the application of any such fee to the filing fee, or any other fee, for the nonprovisional application. Conversion of a provisional application to a nonprovisional application under this paragraph will result in the term of any patent to issue from the application being measured from at least the filing date of the provisional application for which conversion is requested. Thus, applicants should consider avoiding this adverse patent term impact by filing a nonprovisional application claiming the benefit of the provisional application under 35 U.S.C. 119(e) (rather than converting the provisional application into a nonprovisional application pursuant to this paragraph). A request to convert a provisional application to a nonprovisional application must be accompanied by the fee set forth in §1.17(I) and an amendment including at least one claim as prescribed by the second paragraph of 35 U.S.C. 112, unless the provisional application under paragraph (c) of this section otherwise contains at least one claim as prescribed by the second paragraph of 35 U.S.C.112. The nonprovisional application resulting from conversion of a provisional application must also include the filing fee, search fee, and examination fee for a nonprovisional application, an oath or declaration by the applicant pursuant to §§1.63, 1.162, or 1.175, and the surcharge required by §1.16(f) if either the basic filing fee for a nonprovisional application or the oath or declaration was not present on the filing date accorded the resulting non-provisional application (*i.e.*, the filing date of the original provisional application). A request to convert a provisional application to a nonprovisional application must also be filed prior to the earliest of:

(I) Abandonment of the provisional application filed under paragraph (c) of this section; or

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

(4) A provisional application is not entitled to the right of priority under 35 U.S.C. 119 or 365(a) or §1.55, or to the benefit of an earlier filing date under 35 U.S.C. 120, 121 or 365(c) or §1.78 of any other application. No claim for priority under 35 U.S.C. 119(e) or §1.78(a)(4) may be made in a design application based on a provisional application. No request under §1.293 for a statutory invention registration may be filed in a provisional application. The requirements of §§1.821 through 1.825 regarding application disclosures containing nucleotide and/ or amino acid sequences are not mandatory for provisional applications. (Emphasis supplied.)

Thus, drawings may be required under statute and regulation "where necessary for the understanding of the subject matter sought to be patented." (35 U.S.C. §113.)

Notably, Petitioner does not allege that drawings are not necessary for the understanding of the subject matter sought to be patented.

And Petitioner does not assert that the missing drawings were deposited on 11 March, 2005.

A review of the application indicates that it contains claims–which are not necessary for a provisional application (see: 37 C.F.R. §1.53(c), above)

Moreover, further review indicates that included among the claims is at least one method or process claim.

ANALYSIS

As noted above, while Petitioner has not alleged, *inter alia*, that the instant application does not require drawings for the understanding of the subject matter to be patented, a review of the application as deposited on 11 March, 2005, indicates that it contains at least one method or process claim.

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])

---

[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

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 29 March, 2005, 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 11 March, 2005, without drawings, and the petition fee paid ($130.00) is credited to Deposit Account 19-5425; 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 11 March, 2005, with the 59 pages of specification (description and claims), plus one (1) page of abstract deposited on 11 March, 2005, 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

(first sentence) the filing date issue will be reconsidered by the USPTO.

* * *

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HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY NY 12207

COPY MAILED

MAR 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Edward J. Shilltoe :
Application No. 60/660,764 : ON PETITION
Application Filing Date: March 11, 2005 :
Attorney Docket No. **SUNY-0014PV2**

This is a decision on the petition under 37 CFR 1.59(b) filed February 27, 2009.

The petition is granted[1].

Petitioner requests that specification filed March 11, 2005, be expunged from the above-cited application because it contained sensitive information relative to the inventor. Although the specification is part of the original disclosure and normally prohibited from expungement under 37 CFR 1.59(a), petitioner has provided a copy of the specification with the sensitive information redacted which will take the place of the specification being expunged by the instant decision.

Accordingly, the specification filed March 11, 2005 will be expunged from the application file.

Petitioner is advised that the documents cannot be returned as the original papers were scanned into an electronic file with the hard copies being destroyed thereafter.

Questions concerning this decision may be addressed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] This decision was made in consultation with the supervisory staff of the Office of Petitions.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETER L. BREWER BEARMAN, CALDWELL, & BERKOWITZ
LAW FIRM
165 MADISON AVENUE, SUITE 2000
MEMPHIS, TN 38103

COPY MAILED

SEP 0 2 2005

OFFICE OF PETITIONS

In re Application of :
David L. Cera :
Application No. 60/660,891 :
Filed: March 11, 2005 :
Attorney Docket No. 2790788-00001 :

DECISION GRANTING PETITION

This is a decision on the petition filed April 5, 2005, to accord the above-identified application a filing date.

On March 11, 2005, the application was deposited.

On March 28, 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 Claims 1 and 22 are method claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

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

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 11, 2005. **A filing receipt should be issued reflecting the application filing date of March 11, 2005.**

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/660,918	03/11/2005		200	050041P1			

CONFIRMATION NO. 6722

CORRECTED FILING RECEIPT

OC000000016958112

23696
Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

Date Mailed: 09/08/2005

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)

Ernest T. Ozaki, Poway, CA;
Kenny Fok, San Diego, CA;
Paul M. Seckendorf, San Diego, CA;
Tia Cassett, San Diego, CA;
Greg Breit, San Diego, CA;
Jing Li, San Diego, CA;

Power of Attorney:
Abdollah Katbab--45325

If Required, Foreign Filing License Granted: 04/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/660,918

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 performing radiated antenna tests

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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO
60/661,072	03/14/2005	Michael John Stack	

CONFIRMATION NO.

Michael Stack
1730 Santee River
Placentia, CA 92870

BEST AVAILABLE COPY

Date Mailed: 04/04/2006

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 **03/10/2006,** 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. NIPPETT
Office of Initial Patent Examination

PART 3 - COPY TO BE RETURNED WITH RESPONSE

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN G TOLOMEI, PATENT DEPARTMENT
UOP LLC
25 EAST ALGONQUIN ROAD
P.O. BOX 5017
DES PLAINES, IL 60017-5017

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JUN 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Lynn H. Rice :
Application No. 60/661,176 : ON PETITION
Filed: March 11, 2005 :
Attorney Docket No. 109065 :

This is a decision on the papers styled, "Petition to Establish Prior Receipt in the P.T.O. of Item Considered as Not Received by the P.T.O.," filed May 13, 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 March 11, 2005, including one (1) sheet of drawings.

The provisional application was submitted on March 11, 2005. However, on April 27, 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 May 13, 2005, the instant petition was submitted. Petitioner argues that one (1) sheet of drawings was filed on March 11, 2005. In support, the petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "1 PAGE FORMAL DRAWINGS" on March 11, 2005. A review of the application file indicates the presence of zero (0) sheets of drawings. It is assumed that missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

The petition fee has not been charged.

This application will be returned to OIPE for further processing with a filing date of March 11, 2005, using the one (1) sheets of drawings, supplied on May 13, 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/661,323	03/14/2005	John Gregory Fields	

CONFIRMATION NO.

John G. Fields
328 Harris Hill Drive
Athens, GA 30607

Date Mailed: 11/21/2005

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 **10/12/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (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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United States Patent and Trademark Office
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ARLEN L. OLSEN
SCHMEISER, OLSEN & WATTS
3 LEAR JET LANE
SUITE 201
LATHAM, NY 12110

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AUG 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Alonso, et al. :
Application No. 60/661,356 : DECISION GRANTING PETITION
Filed: March 14, 2005 :
Attorney Docket No. YAUP-4248 :

This is a decision on the petition filed April 8, 2005, requesting that the above-identified provisional application be accorded a filing date of March 14, 2005.

The petition is granted.

The application was filed on March 14, 2005, describing drawings containing Figure 1, but no drawings were filed. Accordingly, March 30, 2005, 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 April 8, 2005, 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 March 14, 2005. 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 March 14, 2005, 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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PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK NY 10036-8299

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NOV 02 2006
OFFICE OF PETITIONS

In re Application of
Rick et al. :
Application No. 60/662,507 :
Filed: March 16, 2005 : NOTICE
Attorney Docket Number: 35174-044 :
:

This is a notice regarding your request filed on August 30, 2006, 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. This Notice is not intended to imply that the USPTO conducted any investigation of this matter.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
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
60/662,530	03/16/2005		200	AMAT/10104L/KMT	6		

CONFIRMATION NO. 4011

CORRECTED FILING RECEIPT

OC000000016143405

000044257
MOSER, PATTERSON & SHERIDAN, LLP
APPLIED MATERIALS, INC.
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

Date Mailed: 05/31/2005

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 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)

Samuel Leung, San Jose, CA;

Power of Attorney:

Keith Tackett--32008

If Required, Foreign Filing License Granted: 03/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/662,530

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

Non-Publication Request: No

Early Publication Request: No

Title

Film deposition using a spring loaded contact finger type shadow frame

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

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

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of :
Robert P. Guertin et al. :
Application No. 60/662,563 :
Filing Date: March 15, 2005 :
Attorney Docket No. TUV-036.60 :
Title: ALTERNATING-CURRENT MAGNETIC-BASED PROTEIN NANOSENSORS :

DECISION ON PETITION UNDER 37 C.F.R. §1.10(c)

This is a decision on the petition under 37 C.F.R. §1.10(c), filed July 14, 2005, requesting the according of a filing date of March 15, 2005 to application number 60/662,563.

The application was deposited on March 15, 2005. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 60/662,563 had been accorded a filing date of March 16, 2005.

With the instant petition, Petitioner has included a copy of the Express Mail label number EV327708238US[1].

Petitioner has alleged that the application was deposited on March 15, 2005, and the Patent Office has incorrectly assigned a filing date of March 16, 2005 to the instant application. Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of March 15, 2005.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States

1 The Provisional Application for Patent cover sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) was equally inconclusive.

Although the application received a filing date of March 16, 2005, the evidence is convincing that the application papers were filed on March 15, 2005, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of March 15, 2005.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 15, 2005, as well as the mailing of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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Commissioner for Patents
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LOCKE WHITE II
501 8TH ST
RADFORD, VA 24141

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MAY 19 2006

OFFICE OF PETITIONS

In re Application of :
Locke White II :
Application No. 60/662,867 : ON PETITION
Filed: March 17, 2005 :
For: KITCHEN GLUE STICK :

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed April 4, 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 June 5, 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 (703) 306-5685.

This application is being referred to Files Repository.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: JEFFREY J. SCHWARTZ
6100 FAIRVIEW ROAD
SUITE 530
CHARLOTTE, NC 28210

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
60/662,966	03/18/2005		100	4172-94-PROV			

CONFIRMATION NO. 9516

CORRECTED FILING RECEIPT

OC000000016133453

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

Date Mailed: 05/26/2005

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 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)

David Bar-Or, Englewood, CO;

Power of Attorney:

Gary Connell--32020

If Required, Foreign Filing License Granted: 04/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/662,966

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Uses of diketopiperazines

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/663,003	03/18/2005		100	4172-93-PROV			

CONFIRMATION NO. 1607

CORRECTED FILING RECEIPT

OC000000016134523

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

Date Mailed: 05/26/2005

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 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)

David Bar-Or, Englewood, CO;

Power of Attorney:

Gary Connell--32020

If Required, Foreign Filing License Granted: 04/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/663,003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Treatment of angiogenic diseases

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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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KRUMHOLZ & MENTLIK
600 SOUTH AVE WEST
WESTFIELD NJ 07090

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of :
Robert Redecker :
Application No. 60/663,024 : DECISION ON PETITION
Filed: March 18, 2005 :
Attorney Docket No. 3.8-054 :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS", filed July 5, 2005, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of March 18, 2005, with 18 pages of the specification as a part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 18, 2005. However, on May 12, 2005, 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, page 18 of the specification appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of the specification as originally filed. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Provisional Patent Application Transmittal (1 page), Application Data Sheet (2 pages), Specification (18 pages), Drawings (4 sheets)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of March 18, 2005, and lacking any notation of non

date-stamp of March 18, 2005, 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.

It is obvious from an examination of the application file that no pages of specification were missing on filing. Rather, the unnumbered cover page to the specification was a page marked "Data Sheet".

Given the basis for granting the petition, the $400 petition fee will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of March 18, 2005, using the application papers received in the Office on that date.

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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United States Patent and Trademark Office
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MAY 22 2009

OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of Marion :
Application No. 60/663,202 : Decision on Petition
Filing Date: March 21, 2005 :
Attorney Docket No. 268092US0PROV :

This is a decision on the "Petition For an Unintentionally Delayed Benefit Claim Under 35 U.S.C. 119(e)" filed March 12, 2009.

The petition is unnecessary to obtain the relief requested. Therefore, the petition is **dismissed**.

Facts:

The application was filed March 21, 2005.

The specification filed March 21, 2005, is in French.

On May 10, 2005, the Office mailed a letter correctly notified petitioner that petitioner might eventually need to file a translation of the specification.

Petitioner filed Application No. 11/287,420 on November 28, 2005. The application claims priority to the instant application.

37 CFR 1.78(a)(5)(iv) states,

> If the prior-filed provisional application was filed in a language other than English and both an English-language translation of the prior-filed provisional application and a statement that the translation is accurate were not previously filed in the prior-filed provisional application, applicant will be notified and given a period of time within which to file, in the prior-filed provisional application, the translation and the statement. If the notice is mailed in a pending nonprovisional application, a timely reply to such a notice must include the filing in the nonprovisional application of either a confirmation that the translation and statement were filed in the provisional application, or an amendment or Supplemental Application Data Sheet withdrawing the benefit claim, or the nonprovisional application will be abandoned. The translation and statement may be filed in the provisional application, even if the provisional application has become abandoned.

On October 6, 2008, the examiner mailed a non-final Office action in Application No. 11/287,420. The Office action correctly recognized an English translation of the provisional application and a statement that the translation was accurate had not been filed in the provisional application.

The Office action stated petitioner must either withdraw the benefit claim based on the provisional application or take the following three steps:

(1) File an English translation,
(2) File a statement that the translation is accurate, and
(3) File "a petition to accept the translations and benefit claims."

The Office action indicated if petitioner failed to either withdraw the priority claim, or take the three steps above, the application would become abandoned.

The instant petition was filed March 12, 2009. The petition is accompanied by an English translation of the provisional application. The petition includes a statement that the translation is accurate.

Discussion

Neither patent regulations nor the MPEP reference any need for an applicant to submit a petition when filing an English translation in a provisional application.

37 CFR 1.78(a)(5)(iv) only states a time period may be set in which a translation of a provisional application, and a statement the translation is accurate, must be filed.

MPEP 201.11(VI) states,

> If a nonprovisional application claims the benefit of the filing date of a non-English language provisional application, ... the applicant will be notified in the nonprovisional application and given a period of time within which to file the translation and statement in the provisional application, and a reply in the nonprovisional application confirming that the translation and statement were filed in the provisional application.

MPEP 608.01(V) states,

> If the translation and statement were not previously filed in the provisional application, applicant will be notified in the nonprovisional application that claims the benefit of the provisional application and be given a period of time within which to file the translation and statement in the provisional application. Applicants may file the translation and statement in the provisional application even if the provisional application has become abandoned. A timely reply to such notice must include the filing in the nonprovisional application of either a confirmation that the translation and statement were filed in the provisional application, or an amendment or Supplemental Application Data Sheet withdrawing the benefit claim. Failure to take one of the above actions will result in the abandonment of the nonprovisional application.

Since a petition does not appear necessary in the instant case, the petition is dismissed and the petition fee of $1,410 has been refunded to petitioner's credit card.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/663,293	03/18/2005		100	016285-004600US	6		

CONFIRMATION NO. 9689

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

CORRECTED FILING RECEIPT

OC000000017599957

Date Mailed: 12/08/2005

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)

Yuk-Ming Dennis Lo, Kowloon, HONG KONG;
Rossa Wai Kwun Chiu, Tai Po, HONG KONG;
Stephen Siu Chung Chim, Wan Chai, HONG KONG;
Nancy Bo Yin Tsui, Kowloon, HONG KONG;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 05/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/663,293

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Markers for prenatal diagnosis and monitoring

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, 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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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON VA 22202

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Niklas Pettersson :
Application No. 60/663,767 : ON PETITION
Filed: March 22, 2005 :
Attorney Docket No.: 1509-1047 :

This is a decision on the petition filed September 12, 2005 requesting in effect that the Notice of Omitted Item(s) in a Provisional Application ("Notice") mailed September 1, 2005 be withdrawn.

The application was filed on March 22, 2005. However, on September 1, 2005, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of March 22, 2005 and advising applicant that "figures 3 and 4" described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 2 sheets of drawings which included figures 3 and 4, as described in the specification were filed on March 22, 2005. In support, the petition is accompanied by a copy of applicant's return postcard which lists 2 sheets of drawings. The petition is further accompanied by figures 3 and 4.

Applicants' postcard receipt is prima facie evidence that 2 sheets of drawings were received on March 22, 2005, but 1 sheet including figures 3 and 4 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 2 sheets of drawings including 3 and 4 were received on March 22, 2005, as shown in counsel's file, and later misplaced in the office.

Since original figures 3 and 4 cannot be located in the Office, figures 3 and 4 supplied on March 22, 2005, will be used for processing and examination purposes.

Deposit account no. 25-0120 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 March 22, 2005, using the drawings submitted on that date and the copy of figures 3 and 4 supplied on September 12, 2005.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Chan, et al. :
Application No.: 60/664,154 : ON PETITION
Filed: NO FILING DATE :
Attorney Docket No.: 021917-001400US :

This is a decision on the petition filed November 15, 2005, to accord the above-cited provisional application a filing date.

The petition is **dismissed.**

The application was submitted on March 21, 2005. On June 3, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application indicating that no filing date was accorded the application because no specification and no claims were found among the application papers. The notice allowed a non-extendable period for reply of two months from its mailing date. No response was received within the allowable period and a Notice of Termination of Proceedings under 37 CFR 1.53(e) was mailed on September 15, 2005.

The instant petition was filed on November 15, 2005, and was accompanied by an Office date-stamped postcard whereby the Office acknowledged receipt of one page of coversheet and specifically disclaimed receiving the one sheet of drawing.

It is noted that 37 CFR 1.53(c) provides, in pertinent part, that, "[t]he filing date of a provisional application is the date in which a specification as prescribed by the first paragraph of 35 USC 112, and any drawing required by 1.81(a) are filed in the Patent and Trademark Office." A review of the application file did not reveal a specification or a drawing and the postcard sent with the petition indicates that, in fact, no specification was filed and that a drawing alleged to be filed was not received. To receive the original filing date, petitioner must file a renewed petition establishing that a proper specification and drawing were received on March 21, 2005. If petitioner is not able to satisfy this evidentiary burden, petitioner should file a new provisional application as petition under 37 CFR 1.182 to accept omitted pages of a specification or drawing(s) will not be considered in a provisional application. See *MPEP* 601.01(d).

The fee for the instant petition is $400.00. Deposit account 20-1430 will be charged this amount, accordingly.

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

By mail: Commissioner for Patent
Mail Stop Petitions
Box 1460
Alexandria, VA 22313-1460

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

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

Kenya A. McLaughlin
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PERKINS SMITH & COHEN LLP
ONE BEACON STREET
30TH FLOOR
BOSTON, MA 02108

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Christopher Evans et al	:	
Application No. 60/664,253	:	DECISION GRANTING
Filed: March 22, 2005	:	PETITION
Attorney Docket No. 11714-103PROV	:	

This is a decision on the petition filed April 25, 2005, requesting that the above-identified application be accorded a filing date of March 22, 2005, rather than the presently accorded date of March 23, 2005. 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 March 22, 2005 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV022367940US bears a handwritten "date-in" of March 23, 2005, it contain a U. S. Postal Service (USPS) date stamp of March 22, 2005. Nevertheless, petitioner has provided a copy of the results from the USPS Express Mail Track and Confirm database, which shows that the package in question was deposited on March 22, 2005. Applicants are alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is March 22, 2005. 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 and Confirm database, it is confirmed that the package bearing Express Mail label No. EV022367940US was accepted on March 22, 2005.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to March 22, 2005.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Mozayeni and Crutchfield :
Application No. 60/664,295 :
Filed: March 23, 2005 :
Attorney Docket No. 86248-0019-1 :

DECISION GRANTING PETITION

This is a decision on the petition filed June 8, 2005, to vacate the "Notice of Incomplete Provisional Application" (the "Notice") mailed April 14, 2005.

The petition is **granted**.

On March 23, 2005, the above-identified application was filed. However, on April 14, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had not been accorded a filing date because drawings were not found with the application papers, but appeared to be required to understand the invention claimed. The notice set a non-extendable period for reply two-month from its mailing date.

In response, on June 8, 2005, applicant filed the present petition, a copy of the drawings as described in the specification, and an Office date-stamped postcard receipt acknowledging receipt of 6 sheets of the drawings, among other items.

Upon review of the record, the drawings were not located among the application papers. The evidence is convincing, however, that the drawings accompanied the application papers on March 23, 2005. Therefore, the application, including the drawings, was complete on filing and entitled to a filing date of March 23, 2005, with six sheets of drawing as part of the original disclosure.

Accordingly, the petition is granted. The Notice is vacated and the amount of $130.00 remitted for the petition fee will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of March 23, 2005, using the 6 sheets of drawings filed.

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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1117 PERIMETER CENTER WEST
SUITE W307
ATLANTA GA 30338

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Mike F. Flagg, et al. :
Application No. 60/664,325 : DECISION GRANTING PETITION
Filed: March 21, 2005 :
Atty Docket No. D-3172 :

This is a decision on the petition filed May 19, 2005, requesting that the above-identified application be accorded a filing date of March 21, 2005, instead of the presently accorded date of March 22, 2005.

Petitioners allege that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on March 21, 2005. In support, petitioners provide, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EO 908 191 265 US, showing a "Date-In" of "3 21 05". The same Express Mail receipt number was referred to in the original application transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the USPS on March 21, 2005.

The petition is granted. No petition fee was charged to counsel's deposit account, nor is one due.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **March 21 2005**.

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 (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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ATLANTA, GA 30338

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of
John W. Cargile, Jr.
Application No. 60/664,326
Filed: March 22, 2005
Attorney Docket No. D-3149

DECISION GRANTING PETITION

This is a decision on the petition filed May 19, 2005, requesting that the above-identified application be accorded a filing date of March 21, 2005, instead of the presently accorded date of March 22, 2005.

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 March 21, 2005. In support, petitioner provides, inter alia, a copy of the Express Mail label, No. EO 908 232 977 US. The same Express Mail receipt number appears on the original transmittal letter found in the file.

Paragraph (c) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in" and of any other official notation by the USPS relied upon to show the date of deposit.

A review of the copy of the Express Mail label reveals that there no "date-in" on the label. Further, it is noted that while there appears to be a "stamped date" on the label, it cannot be determined if the stamp was placed thereon by a representative of the USPS or someone else, since the stamp is not legible.

Since the "date-in" was not entered on the copy of the Express Mail mailing label, and the date stamp included on the label is not legible, restoration of the USPS Track and Confirm record for the Express Mail label in question was requested. The USPS Track and Confirm record does not corroborate a "date-in" of March 21, 2005, as it indicates that the package bearing Express Mail label No. EO 908 232 977 US was accepted on March 22, 2005 at 2:19am at the Atlanta, GA 30320 location.

In view of the above, the petition is **DISMISSED** and the filing date remains March 22, 2005.

Since a petition under 37 CFR 1.10 does not require a petition fee, no petition fee is being charged to counsel's deposit.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

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

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

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

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

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

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OFFICE OF PETITIONS

PARKS KNOWLTON LLC
1117 PERIMETER CENTER WEST
SUITE W307
ATLANTA, GA 30338

In re Application of
John W. Cargile, Jr.
Application No. 60/664,326
Filed: March 21, 2005
Attorney Docket No. D-3149

DECISION GRANTING PETITION

This is a decision on the renewed petition, filed September 23, 2005, requesting that the above-identified application be accorded a filing date of March 21, 2005, instead of the presently accorded date of March 22, 2005.

By a decision mailed September 16, 2005, the initial petition filed May 19, 2005 was dismissed for failure to make a persuasive showing that the application was deposited in Express Mail pursuant to 37 CFR 1.10 on March 21, 2005. Petitioner requests reconsideration and has provided another copy of Express Mail label, No. EO 908 232 977 US, the same Express Mail tracking number appearing on the original transmittal letter found in the file. It is noted that the present copy of the Express Mail mailing label clearly shows a USPS receipt date stamp of "March 21, 2005." Accordingly, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on March 21, 2005.

The petition is **GRANTED**.

The application is being referred to Office of Initial Patent Examination (OIPE) for correction of the filing date to **March 21, 2005**, and issuance of a Corrected Official 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 (571) 272-4000.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/664,326	03/21/2005		200	D-3149	5		

CONFIRMATION NO. 2634

48418
PARKS KNOWLTON LLC
1117 PERIMETER CENTER WEST
SUITE W307
ATLANTA, GA 30338

CORRECTED FILING RECEIPT

OC000000017884309

Date Mailed: 01/20/2006

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

Applicant(s)

John W. Cargile JR., Decatur, GA;

Power of Attorney:

Paul Knowlton--44842

If Required, Foreign Filing License Granted: 04/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/664,326

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Carton for multiples of tapered containers

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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HOWSON AND HOWSON
SUITE 210
501 OFFICE CENTER DRIVE
FT WASHINGTON, PA 19034

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OFFICE OF PETITIONS

In re Application of :
Lebherz, et al. :
Application No. 60/664,366 : DECISION GRANTING PETITION
Filed: March 23, 2005 :
Attorney Docket No. UPN-R3837USA :

This is a decision on the petition filed March 1, 2006, requesting that the above-identified application retain a filing date of March 23, 2005, with page 39 of the specification as part of the original disclosure.

The subject application was filed on March 23, 2005. Petitioner received an Office date-stamped postcard whereby the Office acknowledged receipt of 47 pages consisting of the specification, claims, and abstract, among other items. A review of the Image File Wrapper (IFW) for the subject application reveals that page 39 of the specification is missing. It is noted that no notice to that effect was generated by the USPTO. Petitioner now files the instant petition requesting that the copy of page 39 that accompanied petition be made a part of the specification and accorded a filing date of March 23, 2005.

Upon review of the record, page 39 was not located among the original application papers. The evidence is convincing, however, page 39 accompanied the original application papers. Therefore, the copy of page 39 that accompanied the petition will be acknowledged as having been received with the specification filed on March 23, 2005.

Accordingly, the petition is granted.

The application file is being returned to the Office of Initial Patent Examination for further processing including entry of the copy page 39 of the specification into the specification as filed on March 23, 2005.

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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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
60/665,096	03/24/2005		100	2008.003	7		

CONFIRMATION NO. 5579

21917
MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS, FL 33410

CORRECTED FILING RECEIPT

OC000000017093146

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)

Kevin A. Kane, Lake Worth, FL;
David P. Kane, Royal Palm Beach, FL;

Power of Attorney:

Ferris Lander--43377

If Required, Foreign Filing License Granted: 04/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/665,096

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Automated bending device

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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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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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
Ian MacLachlan, et al. :
Application No. 60/665,297 : ON PETITION
Filed: March 25, 2005 :
Attorney Docket No. 020801-002530US :

This is a decision on the petition under 37 CFR 1.10(c), filed June 9, 2005, requesting that the above-identified application be accorded a filing date of March 25, 2005, rather than the presently accorded date of March 28, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

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 March 25, 2005 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 332017685 US showing a stamped postal date of March 25, 2005. The same Express Mail receipt number was placed on the original application papers found in the file. Additionally, applicants have submitted a copy of a sales receipt dated March 25, 2005, which includes Express Mail label No. EV 332017685 US, along with a copy of the USPS Express Mail Track and Confirm records, which confirms that the package in question was in fact accepted and enroute on March 25, 2005 at the San Francisco USPS.

In view of all the evidence, it is concluded that the application was deposited in Express Mail service on March 25, 2005. Accordingly, the instant application is entitled to a filing date of March 25, 2005, and has been so accorded.

Telephone inquiries concerning this matter may be directed to Retta Williams at (571) 272-3229.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of** March 25, 2005.

Brian Bean for

Frances Hicks
Petitions Examiner
Office of Petitions

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400 - INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Phuah, Foo Huey	:	
Application No. 60/665,634	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. G50.12-0002	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed June 20, 2005, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from VINNIE FOO PHUAH to FOO HUEY PHUAH.

Petitioner submitted $50.00 with the instant petition. However, the petition fee is $400.00. Accordingly, an additional $350.00 will be charged to petitioner's deposit account as authorized.

Telephone inquiries regarding this decision should be directed to Paralegal Liana Chase at (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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GREGORY PENNER
69 MARY STREET
GUELPH ON N1G 2A9 CA CANADA

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MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Gregory Allen Penner :
Application No.: 60/665,775 : ON PETITION
Filed: March 29, 2005 :
Attorney Docket No: :

This is a decision on the petition under 37 CFR §1.137(b), February 7, 2006, 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 application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application mailed April 19, 2005. The notice set a shortened period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on June 20, 2005 A Notice of Abandonment was mailed on January 13, 2006.

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

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

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

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

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

The instant petition does not satisfy the requirements of items (1) and (2) above.

As to item (1), the required reply to the Notice to File Missing Parts of Provisional Application was not found with the petition. The reply required by the notice was $150.00 for the completetion of the filing fee and $50.00 for the surcharge assessed for the late payment of the filing fee. Accordingly, andy renewed petition filed must be accompanied by a $150.00 for the filing fee and $50.00 for the surcharge.

As to item (2), the petition fee was not found with the instant petition. The fee for a petition under 37 CFR 1.137(b) is $1,500.00 for a large entity and $750.00 for a small entity. The petition fee must accompany the renewed petition.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this matter 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
www.uspto.gov

CASCIO AND ZERVAS
423 BROADWAY AVE., STE 314
MILLBRAE, CA 94030-1905

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AUG 17 2006

OFFICE OF PETITIONS

In re Application of :
Adrian Citu et al :
Application No. 60/665,856 : ON PETITION
Filed: March 29, 2005 :
Attorney Docket No. 00044-001 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 3, 2006, 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 April 19, 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 June 20, 2005.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $795 extension of time submitted with the petition on April 3, 2006 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAHIVE & COCKFIELD, LLP
28 STATE STREET
BOSTON, MA 02109

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JAN 18 2006

OFFICE OF PETITIONS

In re Application of :
Karl Bruce Thor et al. :
Application No. 60/666,253 : ON PETITION
Filed: March 28, 2005 :
Attorney Docket No. DGZ-015-1 :

This is a decision on the petition under 37 CFR 1.10 (c) filed May 24, 2005 to correct the filing date to March 28, 2005, rather than the presently accorded filing date of March 29, 2005.

Petitioner alleges that the application was deposited in Express Mail service on March 28, 2005. In support, petitioner supplies a copy of Express Mail Label No. EV553851670US (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 illegible but the label also contains a USPS postmark of March 28, 2005.

In view of the above, no petition 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 March 28, 2005, not March 29, 2005,** 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

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
60/666,253	03/28/2005		450	DGZ-015-1			

CONFIRMATION NO. 5275

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

CORRECTED FILING RECEIPT

OC000000017884367

Date Mailed: 01/20/2006

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

Applicant(s)

Karl Bruce Thor, Cary, NC;
Daniel J. Ricca, Rougemont, NC;

Power of Attorney: The patent practitioners associated with Customer Number **00959**.

If Required, Foreign Filing License Granted: 04/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/666,253

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method of treating disorders and conditions using peripherally-restricted antagonists and inhibitors

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

TANGENT LAW GROUP
1201 PENNSYLVANIA AVE, NW
SUITE 300
WASHINGTON, DC 20004

In re Application of
Elder et al.
Application No. 60/666,309
Filed: March 30, 2005
Attorney Docket No. RP-008

Decision on Petition

This is a decision on the petition filed August 19, 2005, to accord the above-identified application a filing date of March 30, 2005.

The application was filed on March 30, 2005.

The electronic file wrapper contains only the application transmittal sheet filed that day. As a result, the Office of Initial Patent Examination mailed a Notice stating that the specification and 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 missing items.

In response, the present petition was filed alleging that 14 pages of specification and 2 sheets of drawings were filed on March 30, 2005. In support, petitioner has submitted a postcard receipt which acknowledges receipt of an illegible number of pages of specification and 2 sheets of drawings.[1]

Upon review of the record, the specification and drawings filed on March 30, 2005 have not been located. However, the evidence is convincing that the application papers deposited on March 30, 2005, included the specification and drawings and that the missing items were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of March 30, 2005.

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

The $130 petition fee will be credited back to petitioner's credit card.

---

[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.

Although the number of pages of specification listed on the Office's copy of the postcard receipt is illegible, the 14 pages of specification will be accepted. However, petitioner may wish to ensure that future changes to any postcard receipts are clearly legible since relief might not be granted if the Office has some of the pages, but not all of the pages. For example, the legibility of the number would be an issue if the Office file contained 13 pages of specification and only 1 page was missing.

The Notice mailed July 19, 2005, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of March 30, 2005, using the transmittal sheet filed on March 30, 2005, along with the 14 pages of specification and 2 sheets of drawings filed on August 19, 2005.

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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ALEXANDRIA, VA 22313-1450
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Paper No. None

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of
David E. Williams et al.
Application No. 60/666,562
Filed: March 31, 2005
Attorney Docket No. 15111.0021 P1
Title: ELECTROCHEMICAL ASSAY

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 17, 2005, requesting that the above-identified application be accorded a filing date of March 31, 2005, without the 30 Figures referenced in the specification.

The application was deposited on March 31, 2005. However, on April 20, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application – Filing Date Not Granted" (notice) stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the depositing of drawings.

With this petition, Petitioner has set forth that drawings are not required for this application.

MPEP 608.02 states, in part:

An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:

(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 compound, composition, or method claim as an application for which a drawing is not necessary for an understanding of the invention under the first sentence of 35 U.S.C. §113. A review of the record reveals that the claims contain one method claim. 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 March 31, 2005.

The petition is **GRANTED.**

The application, as originally filed, is entitled to a filing date of March 31, 2005.

The Notice, mailed on April 20, 2005, was sent in error, and is hereby **VACATED**. As such, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account.

OIPE will be notified that the application should undergo further processing with a filing date of March 31, 2005, using the application papers filed on that date. 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.

It is noted in passing that the notice set forth that the application data sheet failed to list certain pertinent information for the inventors, and Petitioner included this information on page 2 of his petition. Petitioner should note that this format for including the information into the electronic file cannot be accepted by the Office, pursuant to 37 C.F.R. §1.4(c).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SIERRA PATENT GROUP LTD
1657 HWY 395
SUITE 202
MINDEN NV 89423

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MAR 14 2006
OFFICE OF PETITIONS

In re Application of :
Garold Paul Hines : DECISION ON PETITION
Application No. 60/666,604 :
Filed: March 31, 2005 :
Attorney Docket No. HINES-002P :

This is a decision on the petition filed February 6, 2006, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application, mailed May 20, 2005. This Notice set an extendable period for reply of two months from the mailing date of the Notice to submit the $20 balance of the statutory basic filing fee, together with a $25 surcharge for its late filing. No fee or surcharge having been received, the application became abandoned on July 21, 2005. A Notice of Abandonment was mailed on February 2, 2006.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the $20 balance for the statutory basic filing fee, together with the $25 late surcharge.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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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Paper No. None

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

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AUG 0 8 2005

OFFICE OF PETITIONS

In re Application of
David E. Williams et al.
Application No. 60/666,652
Filed: March 31, 2005
Attorney Docket No. 15111.0021 P1
Title: ELECTROCHEMICAL ASSAY

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 17, 2005, requesting that the above-identified application be accorded a filing date of March 31, 2005, without the 30 Figures referenced in the specification.

The application was deposited on March 31, 2005. However, on April 20, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application – Filing Date Not Granted" (notice) stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the depositing of drawings.

With this petition, Petitioner has set forth that drawings are not required for this application.

MPEP 608.02 states, in part:

An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:

(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 compound, composition, or method claim as an application for which a drawing is not necessary for an understanding of the invention under the first sentence of 35 U.S.C. §113. A review of the record reveals that the claims contain one method claim. 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 March 31, 2005.

The petition is **GRANTED.**

The application, as originally filed, is entitled to a filing date of March 31, 2005.

The Notice, mailed on April 20, 2005, was sent in error, and is hereby **VACATED**. As such, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account.

OIPE will be notified that the application should undergo further processing with a filing date of March 31, 2005, using the application papers filed on that date. 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.

It is noted in passing that the notice set forth that the application data sheet failed to list certain pertinent information for the inventors, and Petitioner included this information on page 2 of his petition. Petitioner should note that this format for including the information into the electronic file cannot be accepted by the Office, pursuant to 37 C.F.R. §1.4(c).

Paul Shanoski
Senior Attorney
Office of Petitions
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
60/666,860	03/30/2005		200	54395/CM/M277	3		

CONFIRMATION NO. 5191

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

CORRECTED FILING RECEIPT

OC000000016558903

Date Mailed: 07/19/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

David Denboer, Pleasant Grove, UT;
Matthew Collier, Draper, UT;

Power of Attorney:

Constantinos Marantidis–39759

If Required, Foreign Filing License Granted: 04/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/666,860

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

Non-Publication Request: No

Early Publication Request: No

Title

Endmills and method of making the same

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/667,131	03/30/2005		200	186453/US	1		

CONFIRMATION NO. 9415

CORRECTED FILING RECEIPT

OC000000016117248

27076
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

Date Mailed: 05/25/2005

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

Applicant(s)

Vadim Gutnik, Irvine, CA;

Power of Attorney:

Kimton Eng--43605

If Required, Foreign Filing License Granted: 04/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/667,131

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

Non-Publication Request: No

Early Publication Request: No

Title

RFID tags updating seed of PRNG

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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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WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

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SEP 2 8 2005

OFFICE OF PETITIONS

In re Application of :
Steve Hsien-Jue Chu et al :
Application No.60/667,266 : ON PETITION
Filed: April 1, 2005 :
Attorney Docket No. AM 101997 L1 :

This is a decision on the petition under 37 CFR 1.182, filed on March 10, 2005, to change the name of the co-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 due to a typographical error. However on petition, petitioner has failed to provide any evidence to show 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. Chu.

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

Telephone inquiries concerning this matter may be directed to the undersigned at 571.272-3220.

Wan Laymon
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
60/667,446	04/01/2005		450	ITC-2-0923.00.US	2		

CONFIRMATION NO. 1763

CORRECTED FILING RECEIPT

OC000000016881235

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

Date Mailed: 08/26/2005

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 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 Marinier, Brossard, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number **24374**.

If Required, Foreign Filing License Granted: 04/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/667,446

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

Non-Publication Request: No

Early Publication Request: No

Title

Method of autonomously setting optimum signal transmission power in wireless local area networks

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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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. None

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

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SEP 30 2005

OFFICE OF PETITIONS

In re Application of :
Dennis Vance et al. :
Application No. 60/667,577 :
Filing Date: April 4, 2005 : DECISION ON PETITION
Attorney Docket Number: : UNDER 37 C.F.R. §1.10(C)
54588/LTR/B58 :
Title of Invention: SHRINK WRAP :
TUNNEL WITH VARIABLE SET POINTS :

BACKGROUND

This is a decision on the petition filed July 11, 2005, requesting that the above-identified application be accorded a filing date of April 1, 2005.

On April 4, 2005, the above-identified application was received in the Office. Shortly thereafter, the Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded a filing date of April 4, 2005.

Petitioner has alleged that the application was deposited on April 1, 2005, and the Patent Office has incorrectly assigned a filing date of April 4, 2005 to the instant application. Petitioner has set forth that this application was sent to the Office via the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS), and that Express Mail label EV327920385US[1] was associated with this mailing.

1 It is noted that this same Express Mail number appears on the Provisional Application for Patent Cover Sheet, which has been located in the electronic file.

It is further noted that it does not appear that Petitioner has included a copy of the Express mail label with his petition.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) was also inconclusive, in that it stated that the information pertaining to this Express Mail label number is stored off-line.

However, Petitioner has enclosed a print-out from this same website, presumably from prior to the information being taken off-line. This print-out shows an entry of "Enroute, April 01, 2005, 4:15 pm, PASADENA, CA 91105." Thus, it is clear that the USPS was in possession of this package on this date.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

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

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

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

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

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

ANALYSIS

37 C.F.R. §1.10(c)(3) requires that any petition under this section of the C.F.R. include a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit. Since it does not appear that a copy of the express mail label has been included, this petition cannot be granted.

CONCLUSION

Therefore, this petition is **DISMISSED**.

The filing date will remain April 4, 2005.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

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Paper No. None

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

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NOV 09 2005

OFFICE OF PETITIONS

In re Application of :
Dennis Vance et al. :
Application No. 60/667,577 :
Filing Date: April 4, 2005 : DECISION ON RENEWED PETITION
Attorney Docket Number: : UNDER 37 C.F.R. §1.10(C)
54588/LTR/B58 :
Title of Invention: SHRINK WRAP :
TUNNEL WITH VARIABLE SET POINTS :

BACKGROUND

This is a decision on the renewed petition filed October 31, 2005, requesting that the above-identified application be accorded a filing date of April 1, 2005.

On April 4, 2005, the above-identified application was received in the Office. Shortly thereafter, the Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded a filing date of April 4, 2005.

Petitioner has alleged that the application was deposited on April 1, 2005, and the Patent Office has incorrectly assigned a filing date of April 4, 2005 to the instant application. Petitioner has set forth that this application was sent to the Office via the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS), and that Express Mail label EV327920385US[1] was associated with this mailing.

1 It is noted that this same Express Mail number appears on the Provisional Application for Patent Cover Sheet, which has been located in the electronic file.

The original petition was submitted on July 11, 2005, and was dismissed via the mailing of a decision on September 30, 2005.

With the original petition, Petitioner did not provide a copy of the Express mail label, however he did submit a print-out from United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>), which shows an entry of "Enroute, April 01, 2005, 4:15 pm, PASADENA, CA 91105." Thus, it is clear that the USPS was in possession of this package on this date.

The petition was dismissed however, as 37 C.F.R. §1.10(c)(3) requires that any petition under this section of the C.F.R. include a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

With this renewed petition, Petitioner has explained that he does not have a copy of the Express Mail label, and has alleged that 37 C.F.R. §1.10(c) does not require the submission of the same.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

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

(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 (emphasis added) of any other official notation by the USPS relied upon to show the date of deposit.

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002,

effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

ANALYSIS

Petitioner has asserted that it is not necessary to submit the Express Mail label, and appears to have misread 37 C.F.R. §1.10(c). Petitioner has cited to the first portion of 37 C.F.R. §1.10(c), but appears to have missed the third portion of this section of the C.F.R., which makes it clear that a true copy of the Express Mail label must be provided when filing a petition under 37 C.F.R. §1.10(c)[2].

37 C.F.R. §1.10(c)(3) requires that any petition under this section of the C.F.R. include a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit. Since it does not appear that a copy of the express mail label has been included, this petition cannot be granted.

Since it is clear that a true copy of the Express Mail label cannot be obtained, Petitioner may wish to consider filing a petition under 37 C.F.R. §1.183 to request that the Office waive 37 C.F.R. §1.10(c)(3).

CONCLUSION

Therefore, this petition is **DISMISSED**.

The filing date will remain April 4, 2005.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

2 See 37 C.F.R. §1.10(c)(3), reproduced above.

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Paper No. None

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

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DEC 21 2005

OFFICE OF PETITIONS

In re Application of :
Dennis Vance et al. :
Application No. 60/667,577 :
Filing Date: April 1, 2005 :
Attorney Docket Number: :
54588/LTR/B58 :
Title of Invention: SHRINK WRAP :
TUNNEL WITH VARIABLE SET POINTS :

DECISION ON SECOND RENEWED PETITION UNDER 37 C.F.R. §1.10(C)

BACKGROUND

This is a decision on the second renewed petition filed December 12, 2005, requesting that the above-identified application be accorded a filing date of April 1, 2005.

On April 4, 2005, the above-identified application was received in the Office. Shortly thereafter, the Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded a filing date of April 4, 2005.

Petitioner has alleged that the application was deposited on April 1, 2005, and the Patent Office has incorrectly assigned a filing date of April 4, 2005 to the instant application. Petitioner has set forth that this application was sent to the Office via the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS), and that Express Mail label EV327920385US[1] was associated with this mailing.

1 It is noted that this same Express Mail number appears on the Provisional Application for Patent Cover Sheet, which has been located in the electronic file.

The original petition was submitted on July 11, 2005, and was dismissed via the mailing of a decision on September 30, 2005.

With the original petition, Petitioner did not provide a copy of the Express mail label, however he did submit a print-out from United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>), which shows an entry of "Enroute, April 01, 2005, 4:15 pm, PASADENA, CA 91105." Thus, it is clear that the USPS was in possession of this package on this date.

The petition was dismissed however, as 37 C.F.R. §1.10(c)(3) requires that any petition under this section of the C.F.R. include a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

With the renewed petition, Petitioner explained that he does not have a copy of the Express Mail label, and has alleged that 37 C.F.R. §1.10(c) doe not require the submission of the same. This petition was dismissed via the mailing of a decision on November 9, 2005.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

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

(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 (emphasis added) of any other official notation by the USPS relied upon to show the date of deposit.

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996,

effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

ANALYSIS

37 C.F.R. §1.10(c)(3) requires that any petition under this section of the C.F.R. include a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit. Since it does not appear that a copy of the express mail label has been included, this petition cannot be granted.

With the original petition, Petitioner enclosed a print-out from United States Postal Service's website, showing an entry of "Enroute, April 01, 2005, 4:15 pm, PASADENA, CA 91105." Since Petitioner has provided an official notation from the USPS, it is considered appropriate to waive the requirement of 37 C.F.R. §1.10(c)(3) and accord the application the requested filing date in the absence of a true copy of the Express Mail label.

CONCLUSION

Therefore, this petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 1, 2005, as well as the mailing of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

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

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SEP 30 2005

OFFICE OF PETITIONS

In re Application of :
Jeffrey M. Cahill et al. :
Application No. 60/667,578 :
Filing Date: April 2, 2005 : DECISION ON PETITION
Attorney Docket Number: : UNDER 37 C.F.R. §1.10(C)
54777/RVW/T522 :
Title of Invention: INTEGRATED :
PRESSURE SWITCH POCKET FOR A :
VERTICAL FOREGRIP :

BACKGROUND

This is a decision on the petition filed July 21, 2005, requesting that the above-identified application be accorded a filing date of April 1, 2005.

On April 2, 2005, the above-identified application was received in the Office. Shortly thereafter, the Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded a filing date of April 2, 2005.

Petitioner has alleged that the application was deposited on April 1, 2005, and the Patent Office has incorrectly assigned a filing date of April 2, 2005 to the instant application. Petitioner has set forth that this application was sent to the Office via the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS), and that Express Mail label EV327883475US[1] was associated with this mailing.

1 It is noted that this same Express Mail number appears on the Provisional Application for Patent Cover Sheet, which has been located in the electronic file.

It is further noted that it does not appear that Petitioner has included a copy of the Express mail label with his petition. Petitioner has explained that his local post office collects all Express Mail packages, processes them at the Post Office, and removes and returns the labels to the customers at a later date. With the present mailing, the Express Mail label was never returned to Petitioner. As such, a copy of the Express Mail label cannot be provided.

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.

However, Petitioner has enclosed a print-out from this same website, presumably from prior to the information being taken off-line. This print-out shows an entry of "Enroute, April 01, 2005, 4:15 pm, PASADENA, CA 91105." Thus, it is clear that the USPS was in possession of this package on this date.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

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

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

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

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

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996,

effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

ANALYSIS

Petitioner has asserted that it is not necessary to submit the Express Mail label, and appears to have misread 37 C.F.R. §1.10(c). Petitioner has cited to the first portion of 37 C.F.R. §1.10(c), but appears to have missed the third portion of this section of the C.F.R., which makes it clear that a true copy of the Express Mail label must be provided when filing a petition under 37 C.F.R. §1.10(c)[2].

37 C.F.R. §1.10(c)(3) requires that any petition under this section of the C.F.R. include a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit. Since it does not appear that a copy of the express mail label has been included, this petition cannot be granted.

If a true copy of the Express Mail label cannot be obtained, Petitioner may wish to consider filing a petition under 37 C.F.R. §1.183 to request that the Office waive 37 C.F.R. §1.10(c)(3).

CONCLUSION

Therefore, this petition is **DISMISSED**.

The filing date will remain April 2, 2005.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

2 See 37 C.F.R. §1.10(c)(3), reproduced above.

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ALEXANDRIA, VA 22313-1450
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Paper No. None

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

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OFFICE OF PETITIONS

In re Application of :
Jeffrey M. Cahill et al. :
Application No. 60/667,578 : DECISION ON TWO PETITIONS
Filing Date: April 1, 2005 : UNDER 37 C.F.R. §§1.10
Attorney Docket Number: : AND 1.183
54777/RVW/T522 :
Title of Invention: INTEGRATED :
PRESSURE SWITCH POCKET FOR A :
VERTICAL FOREGRIP :

BACKGROUND

This is a decision on the petition under 37 C.F.R. §1.183 and renewed petition under 37 C.F.R. §1.110, both filed concurrently on March 28, 2006, requesting that the above-identified application be accorded a filing date of April 1, 2005.

On April 2, 2005, the above-identified application was received in the Office. Shortly thereafter, the Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded a filing date of April 2, 2005.

Petitioner has alleged that the application was deposited on April 1, 2005, and the Patent Office has incorrectly assigned a filing date of April 2, 2005 to the instant application. Petitioner has set forth that this application was sent to the Office via the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS), and that Express Mail label EV327883475US[1] was associated with this mailing.

1 It is noted that this same Express Mail number appears on the first page of the specification, which has been located in the electronic file.

Petitioner is not in possession of the Express mail label - as such, a copy of the Express Mail label cannot be provided.

The original petition was filed under 37 C.F.R. §1.10(c), was received on November 12, 2004 and was dismissed via the mailing of a decision on October 5, 2005.

With this renewed petition, Petitioner has submitted a petition under 37 C.F.R. §1.183 requesting the waiver of 37 C.F.R. §1.10(c)(3), as well as the appropriate petition fee along with his response. However, it is noted that if the Office were to treat this renewed petition as a petition under 37 C.F.R. §1.10(d), the need to provide a copy of the mailing label will be obviated. Therefore, this renewed petition will be treated as a petition under 37 C.F.R. §1.10(d).

The petition under 37 C.F.R. §1.183 is therefore **DISMISSED AS MOOT**. The petition fee will be refunded to Petitioner's Deposit Account in due course.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

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

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984;

paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

ANALYSIS

37 C.F.R. §1.10(d) requires that the "Express Mail" mailing label was placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail" and that a showing be provided that is corroborated by evidence from the USPS. The electronic file has been reviewed, and it is noted that the first page of the specification contains the Express Mail label number which is associated with the present application. It is further noted that the pickup service statement which was provided with the original petition contains this express mail label number, is dated April 1, 2005, and constitutes evidence from the USPS. As such, Petitioner has met the requirements of 37 C.F.R. §1.10(d).

CONCLUSION

Therefore, this petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 1, 2005, as well as the mailing of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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Huy Nguyen
21702 Lindy Lane
Cupertino, CA 95014

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OFFICE OF PETITIONS

In re Application of :
Nguyen, et al. : DECISION ON PETITION
Application No.: 60/667,650 :
Filed: April 4, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No.: None :

This is a decision on the petition under 37 CFR 1.137(b), filed January 31, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the "Notice to File Missing Parts of Non-Provisional Application" mailed April 28, 2005 which set a two month period for reply. No extensions of time under provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on June 29, 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 the appropriate fee payment; (2) the petition fee and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action of April 28, 2005 is accepted as having been unintentionally delayed.

The application is being referred to Office of Initial Patent Examination (OIPE).

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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
60/668,266	04/05/2005		100	112777-001.PRV	11		

CONFIRMATION NO. 8386

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

CORRECTED FILING RECEIPT

OC000000016529373

Date Mailed: 07/14/2005

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)

James A. Pena, Encinitas, CA;
Stephanie A. Griffin, Encinitas, CA;

Power of Attorney:

Richard Campbell–34790

If Required, Foreign Filing License Granted: 04/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/668,266

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Waterproof enclosure with thru-housing operational capability

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/668,286	04/05/2005		200	1073.081P	1		

CONFIRMATION NO. 5795

23405
HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

CORRECTED FILING RECEIPT

OC000000016450251

Date Mailed: 07/06/2005

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)

Michael J. Ohlmeyer, Plainsboro, NJ;
Adolph C. Bohnstedt, Burlington, NJ;
Celia Kingsbury, Cream Ridge, NJ;
Koc-Kan Ho, Monmouth Junction, NJ;
Jorge Gabriel Quintero, South Amboy, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **23405**.

If Required, Foreign Filing License Granted: 05/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/668,286

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

Non-Publication Request: No

Early Publication Request: No

Title

Purine and imidazopyridine derivatives for immunosuppression

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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ELIZABETH R. HALL
1722 MARYLAND STREET
HOUSTON TX 77006

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JUL 07 2005

OFFICE OF PETITIONS

In re Application of :
Navran : DECISION ON PETITION
Application No. 60/668,294 :
Filed: April 5, 2005 :
Attorney Docket No. SYNT-P005V :

This is a decision on the petition filed May 9, 2005, requesting that the above-identified provisional application be accorded a filing date of April 5, 2005, without the submission of drawings.

On April 5, 2005, applicant deposited this application with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on April 21, 2005, 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 May 9, 2005, applicant submitted the present petition. In the present petition, applicant requested that the above-identified provisional application be accorded a filing date of April 5, 2005, the date the application was deposited with the Office without drawings. Specifically, applicant stated the invention and the subject matter of the application is understandable from the description given in the patent application, in particular pages 8 and 9 of the specification, and does not require the data in Figures 1 and 2.

A review of the record reveals the application papers deposited on April 5, 2005, 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 for the understanding of the subject matter sought to be patented.

In view of the above, the petition is granted.

The application will be processed with a filing date of April 5, 2005, as requested in the petition, without any drawings.

Effective December 8, 2004, the fee for the present petition increased from $130.00 to $400.00. The $400.00 petition fee will be charged to Deposit Account No. 50-0987 because the filing of the present petition was not caused by an error on the part of the Office.

The Office of Initial Patent Examination is directed to process the application with a filing date of April 5, 2005, with zero (0) sheets of drawings.

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

Christina L. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. None

Siu K. Lo, Esq.
c/o Taro Pharmaceuticals U.S.A., Inc.
Intellectual Property Department
3 Skyline Drive
Hawthorne NY 10532

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of :
Horacio Bach et al. :
Application No. 60/668,410 : DECISION ON PETITION UNDER
Filing Date: April 5, 2005 : 37 C.F.R. §1.10(c)
Attorney Docket No. 1066 :
Title: METHOD OF PREPARING :
PREDNISOLONE DEVOID OF STEROID- :
DERIVED IMPURITIES USING
RECOMBINANT E. COLI TRANSFORMED
WITH A DELTA1 DEHYDROGENASE
GENE

This is a decision on the petition under 37 C.F.R. §1.10(c), filed June 27, 2005, requesting the according of a filing date of April 5, 2005 to application number 60/668,410.

The application was deposited on April 5, 2005. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 60/668,410 had been accorded a filing date of April 4, 2005.

With the instant petition, Petitioner has included a copy of the Express Mail label number EV273209515US[1].

Petitioner has alleged that the application was deposited on April 5, 2005, and the Patent Office has incorrectly assigned a filing date of April 4, 2005 to the instant application.

1 The Provisional Application for Patent cover sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of April 5, 2005.

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) however indicates that the package was accepted on April 5, 2005. A copy of the latter search result is enclosed.

Although the application received a filing date of April 4, 2005, the evidence is convincing that the application papers were filed on April 5, 2005, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of April 5, 2005.

Accordingly, the petition is **GRANTED.**

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 5, 2005, as well as the mailing of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

Encl.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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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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JUL 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Grieco et al.	:	
Application No. 60/668,434	:	DECISION GRANTING PETITION
Filed: April 4, 2005	:	
Attorney Docket No. ITC-2-01002.00.US	:	

This is a decision on the petition filed June 23, 2005, requesting that the above-identified application be accorded a filing date of April 4, 2005, with page 13 of the specification as part of the original disclosure.

On April 4, 2005, applicants filed the above-identified application. On April 26, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of April 4, 2005, and advising applicants that page 13 of the specification appeared to have been omitted.

In response, on June 23, 2005, applicants filed the present petition, a copy of the specification (including page 13) and an authorization to charge the petition fee. Additionally, applicants submitted a copy of their postcard receipt, acknowledging receipt of 15 pages of specification.

Upon review of the record, page 13 of the specification, deposited on April 4, 2005, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 4, 2005, included page 13 of the specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the

application, including page 13 of the specification, was complete on filing and will be granted a filing date of April 4, 2005.

Accordingly, the petition is granted.

The Notice of Omitted Items mailed on April 26, 2005, was sent in error and is hereby vacated. Accordingly, the $400.00 petition fee is unnecessary and will be refunded to Deposit Account No. 09-0435.

The Office of Initial Patent Examination is directed to **accord the above-identified application a filing date of April 4, 2005,** using the application papers submitted on that date, and page 13 of the specification submitted on June 23, 2005.

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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DAN SCHUEPBACH
P.O. BOX 704
LA HABRA, CA 90633

COPY MAILED
MAY 2 3 2006
OFFICE OF PETITIONS

In re Application of Schuepbach :
Application No. 60/668,508 : Decision on Petition
Filing Date: April 5, 2005 :
For: Dynamic Mass Energy Storage System :

This is a decision in response to the paper filed March 31, 2006, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

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 June 3, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on August 4, 2005. A Notice of Abandonment was mailed on February 22, 2006.

Petitioner contends the Notice was never received.

Petitioner has failed to prove the Notice was never received. Petitioner fails to state where the Notice would have been placed upon receipt and fails to state a search has been made of that location. The petition only states the mailing address is correct and petitioner is the only one who handles the mail.

Petitioner indicates per a telephone conversation with the undersigned on May 22, 2006, and on other dates, a desire for a refund of the $45 submitted with the petition if the petition was dismissed. Therefore, a refund of the $45 will be scheduled.

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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Alexandria, VA 22313-1450
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MICHAEL BEST & FRIEDRICH, LLP
ONE SOUTH PINCKNEY STREET
P O BOX 1806
MADISON WI 53701

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JUL 18 2005

OFFICE OF PETITIONS

In re Application of :
Jeffries et al. :
Application No. 60/668,671 :
Filed: April 6, 2005 :
Attorney Docket No. 096429-9150-00 :

DECISION ON PETITION

This is a decision on the petition filed May 31, 2005, requesting that the above-identified provisional application be accorded a filing date of April 6, 2005, without the submission of drawings.

On April 6, 2005, applicant deposited this application with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on May 13, 2005, 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 May 31, 2005, applicant submitted the present petition and an authorization to charge the petition fee. In the present petition, applicant requested that the above-identified application be accorded a filing date of April 6, 2005, the date the application was deposited with the Office without drawings. Specifically, applicant stated the drawings were not necessary for the understanding of the subject matter sought to be patented.

A review of the record reveals the application papers deposited on April 6, 2005, 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 for the understanding of the subject matter sought to be patented.

In view of the above, the petition is granted.

The application will be processed with a filing date of April 6, 2005, as requested in the petition, without any drawings.

The current fee for filing the petition fee is $400.00, which will be charged to Deposit Account No. 50-0842, as authorized.

The Office of Initial Patent Examination is directed to process the application with a filing date of April 6, 2005, 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
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Yale University Office of Cooperative Research
433 Temple Street
New Haven CT 06511

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Krystal et al. :
Application No. 60/668,735 : ON PETITION
Filed: April 5, 2005 :
Attorney Docket No. OCR-4001 :

This is a decision on the petition filed on June 29, 2005, requesting that the Office accord the above-identified provisional application a filing date of April 5, 2005, without drawings.

On April 5, 2005, applicants deposited the above-identified provisional application without drawings. On June 1, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application," indicating that the application had not been accorded a filing date because the application had been deposited without drawings and stating that the filing date would be the date of receipt of the omitted drawings.

On June 29, 2005, applicants filed the present petition and paid a $130.00 petition fee. Applicants assert that the invention is directed to at least one process or method, and therefore should be treated as an application for which a drawing is not necessary for the understanding of the invention in accordance with MPEP § 601.01(f) and 35 U.S.C. § 113. Applicants request that the Office accord the application a filing date of April 5, 2005, without drawings.

As stated in MPEP § 601.01(f), it is the practice of the USPTO 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:

> 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.

In view of the above, the petition is **granted**. The Notice of Incomplete Provisional Application was mailed in error and is hereby withdrawn.

The Office will accord the application a filing date of April 5, 2005, without drawings as a part of the original disclosure. The $130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 50-0447.

The Office of Initial Patent Examination is directed to accord the above-identified provisional application a filing date of April 5, 2005, with zero (0) drawings, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/668,750	04/05/2005		100	10021.0001P	9		

CONFIRMATION NO. 1606

CORRECTED FILING RECEIPT

OC000000016482979

31495
GREG S. HOLLRIGEL, PH.D.
STOUT, UXA, BUYAN & MULLINS, LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

Date Mailed: 07/08/2005

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)

Brad S. Culbert, Rancho Santa Margarita, CA;

Power of Attorney:

Frank Uxa Jr–25612
Robert Buyan–32460
Donald Stout–34493
Kenton Mullins–36331
Linda Fox–38883
Jo Anne Ybaben–42243
Greg Hollrigel–45374

If Required, Foreign Filing License Granted: 05/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/668,750

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Tissue dilation systems and related methods

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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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Ostergaard, et al. :
Application No. 60/668,755 :
Filed: April 6, 2005 :
Attorney Docket No. 7041.003-US :

DECISION GRANTING PETITION

This is a decision on the petition filed June 21, 2005, to vacate the "Notice of Omitted Items in Provisional Application (the "Notice").

The petition is **granted**.

On April 6, 2005, the above-identified application was filed. However, on June 1, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date, but that pages 1, 2, and 3 of the specification, appeared to have been omitted. The Notice set a two-month period for reply.

In response, on June 21, 2005, applicant filed the present petition, a copy pages 1, 2, and 3 of the specification, and an Office date-stamped postcard receipt acknowledging receipt of 34 pages of the specification, among other items.

Upon review of the record, pages 1, 2, and 3 were not located among the application papers. However, the evidence is convincing that the application papers deposited April 6, 2005, included 34 pages of the specification and the Office subsequently misplaced pages 1, 2, and 3. Therefore, the application, including pages 1, 2, and 3 of the specification, was complete on filing and entitled to a filing date of April 6, 2005.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of $400.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 6, 2005, using the 34 pages of the specification filed on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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DEC 19 2005

OFFICE OF PETITIONS

In re Application of :
William Joseph Semper :
Application No. 60/668,796 : DECISION ON PETITION
Filed: 6 April, 2005 :
Atty Docket No. 2005.04.001.WS0 :

This is a decision on the petition filed on 13 June, 2005, which is treated as a petition under 37 CFR 1.53(e) requesting that the above-identified provisional application be accorded a filing date of 6 April, 2005.

The petition is **granted**.

The instant provisional application papers as filed consisted of five (5) pages containing text and drawings on the same pages. On 6 May, 2005, however, the Office of Initial Patent Examination sent a Notice stating that the application had been deposited without drawings and that the filing date would be the date of receipt of the missing drawings.

In reply, the present petition was filed on 13 June, 2005, accompanied by a duplicate copy of the five (5) pages of text and drawings, with the figure containing text on pages 2-5 labeled as "Figure 1". Petitioner asserts that the drawings were present among the five (5) page of text and figures. Specifically, petitioner asserts that the four (4) pages containing the drawing figure and text constitute the application drawing. Petitioner urges that since the same material was present at the USPTO on 6 April, 2005, albeit without labels, this application should be accorded that date as the filing date.

Pursuant to 35 USC 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 USC 112 ¶ 1, and a drawing as prescribed by 35 USC 113. 37 CFR 1.53(c)(1) also requires the inclusion of a cover sheet pursuant to 37 CFR 1.51(c)(1), a condition clearly met

herein on 6 April, 2005, as was the submission of the filing fee required by 35 USC 41. All conditions for obtaining a filing date in this provisional application were clearly met on 6 April, 2005.

Under the facts of this case, this provisional application is entitled, for a filing date, to the date of receipt of the five (5) pages of specification that also contained one (1) drawing figure. There is no explicit requirement that precludes the obtaining of a filing date for a provisional application when the specification and drawings are, as here, not separated.

The Notice of 6 May, 2005, was mailed in error and is vacated.

The copies of application papers filed with the petition will not be considered to be part of this provisional application as filed on 6 April, 2005.

No petition fee is due. The petition fee has been credited to counsel's deposit account.

This provisional application is being forwarded to the Office of Initial Patent Examination (OIPE), Customer Corrections, for further processing with a filing date of 6 April, 2005.

Telephone inquiries should be directed to the undersigned at 571-272-3231. Inquiries related to OIPE processing should be directed to OIPE at 571-272-4000.

D Wood

Douglas I. Wood
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
60/669,025	04/07/2005		100	102258.409 US1			

25270
EDWARD D GRIEFF
HALE & DORR LLP
1455 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004

CONFIRMATION NO. 2417

CORRECTED FILING RECEIPT

OC000000016046010

Date Mailed: 05/17/2005

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 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)

Manuel Worcel, Boston, MA;

Power of Attorney:

Edward Grieff--38898

If Required, Foreign Filing License Granted: 05/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/669,025

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Genetic risk assessment in heart failure (GRAHF) sub-study of African American heart failure trial (A-HEFT): impact of genetic variation of NOS3

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

GRANTED

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

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

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

NOT GRANTED

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

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JJGJR.: 07-05

Paper No: __

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of
Richmond :
Application No. 60/669,041 : DECISION ON PETITION
Filing Date: 7 April, 2005
Attorney Docket No. 19088-002P01 :

This is a decision on the petition filed on 13 May, 2005, and considered herein under 37 C.F.R. §1.53.

The petition is **GRANTED in part**, and **DISMISSED in part**.

BACKGROUND

The application was deposited on 7 April, 2005.

On 6 May, 2005, 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). The Notice further informed Petitioner that he might petition to aver either that the omitted drawing(s) had been submitted or that they were not "necessary for the understanding of the subject matter sought to be patented." OIPE set a two- (2-) month period for reply.

On 13 May, 2005, Petitioner submitted the instant petition. Petitioner stated therein that the drawings described in the specification (Figures 1, 2, and 3) "are not necessary to understand the invention . . . ."

Petitioner does not assert that the missing drawings were deposited on 7 April, 2005.

A review of the application indicates that the terms "method" or "process" are not expressly used, however, there is a suggestion as to composition in the use of the expression "may comprise."

ANALYSIS

It is the practice of the Office to treat an application that contains at least one process or method or composition 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, 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 6 May, 2005, 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 April, 2005, without drawings; in all other respects the petition **is dismissed**.

---

[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.

* * *

The petition fee is not waived because the omission of the drawings and the failure to be express as to method, process or composition 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 April, 2005, with the 13 pages of specification (description), deposited on 7 April, 2005, 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

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53rd FLOOR
CHICAGO, IL 60606

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AUG 0 8 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Thompson, et al. :
Application No. 60/669,312 :
Filed: April 7, 2005 :
Attorney Docket No. P05-0006 (114107 P 021) :

This is a decision on the petition under 37 CFR 1.10(d), filed July 19, 2005, requesting that the above-identified provisional application be accorded a later filing date of April 7, 2005, rather than the presently accorded filing date of April 6, 2005.

The petition is **GRANTED**.

Applicants request the earlier filing date on the basis that the provisional application was purportedly deposited in Express Mail service (Express Mail mailing label #EV443468750US) on April 7, 2005, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail mailing label identified in the original application papers indicates a "date-in" of April 6, 2005. Applicants allege that the date of mailing indicated by the Express Mail mailing label is a U.S. Postal Service (USPS) error and the correct date of mailing is April 7, 2005.

In support, the petition is accompanied by a copy of the "USPS Track & Confirm Detailed Results" that indicates the item with Express Mail label no. EV443468750US was placed into Express Mail service on April 7, 2005.

In view of the evidence present in the file, it is concluded that the "date-in" indicated on the Express Mail mailing label is incorrect and that the correct date of deposit in Express Mail service is April 7, 2005.

Accordingly, the application is entitled to a filing date of April 7, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 7, 2005.

The fees submitted on July 19, 2005 will be refunded by treasury check.

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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AGOURON PHARMACEUTICALS, INC.
10777 SCIENCE CENTER DRIVE
SAN DIEGO, CA 92121

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JUL 01 2005
OFFICE OF PETITIONS

In re Application of :
Duggal et al. :
Application No. 60/669,314 :
Filed: April 8, 2005 : ON PETITION
Attorney Docket Number: :
PC25980 :

This decision is in response to the Petition fo Correction of Inventorship under 37 CFR 1.182, filed May 6, 2005. The petition requests a change of an inventor's name.

A grantable petition to change the name of an inventor under 37 CFR 1.182 requires (1) the petition fee; and (2) either (a) a declaration signed with both names with 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 change of inventor Weidong Hao has been entered and made of record.

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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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
60/669,596	04/08/2005		100	8L 19.1-010	4		

CONFIRMATION NO. 3739

23506
GARDNER GROFF, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

CORRECTED FILING RECEIPT

OC000000016091627

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)

Jay J. Cohen, Atlanta, GA;
John S. Cohen, Atlanta, GA;

Power of Attorney:
Michelle Kandcer–54207

If Required, Foreign Filing License Granted: 05/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/669,596

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Printed T-shirt and method and apparatus for merchandising the same

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/669,861	04/07/2005		500	PP028078.0001	2		

CONFIRMATION NO. 5654

CORRECTED FILING RECEIPT

OC000000018464653

SAGRES DISCOVERY, INC.
c/o Chiron Corporation
P. O. Box 8097
Emeryville, CA 94662-8097

Date Mailed: 04/05/2006

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)

Robert N. Booher, Davis, CA;
Marc S. Malandro, Gibsonia, PA;

Power of Attorney:

Lisa Alexander--41576

If Required, Foreign Filing License Granted: 05/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/669,861

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Cancer-related genes

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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18191 VON KARMAN AVE.
SUITE 500
IRVINE CA 92612-7108

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OFFICE OF PETITIONS

In re Application of	:	
Cohen et al.	:	
Application No. 60/670,283	:	DECISION ON PETITION
Filed: 12 April, 2005	:	
Atty Docket No. 073035-0011	:	

This is a decision on the petition filed on 24 March, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 7 July, 2005, for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed on 6 May, 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 14 March, 2006.

---

[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)).

Petitioner has filed a response to the Notice as the required reply.

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

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

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OFFICE OF PETITIONS

In re Application of :
Graham :
Application No. 60/670,301 : ON PETITION
Filed: April 11, 2005 :
Attorney Docket No. 54636/RJW/J241 :

This is a decision on the petition filed August 16, 2005, to accord the above-identified application a filing date of April 11, 2005, instead of April 12, 2005.

The petition is **granted**.

37 CFR 1.10(d) states:

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

All of the above requirements have been met. Therefore, the application will be accorded a filing date of April 11, 2005.

The Office of Initial Patent Examination will be informed of the instant decision so that it may accord the application a filing date of April 11, 2005.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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PHILADELPHIA, PA 19103

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OCT 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Christopher W. Newton : DECISION GRANTING
Application No. 60/670,370 : PETITION
Filed: April 12, 2005 :
Attorney Docket No. DPMG-0022 :

This is a decision on the petition under 37 CFR 1.10(d), filed June 24, 2005, requesting that the above-identified application be accorded a filing date of April 12, 2005, rather than the presently accorded filing date of April 10, 2005.

Petitioner requests the later filing date on the basis that the application was purportedly deposited in Express Mail service on April 12, 2005, pursuant to the requirements of 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV324569885US bears a handwritten "date-in" of April 10, 2005, it also includes a USPS date stamp receipt but the date is not legible. The same Express Mail Number was found on the utility patent application transmittal 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. An independent inquiry was made of the U.S. Postal Service which verifies acceptance of the Express Mail package bearing label No. EV324569885US (copy attached) on April 12, 2005. Accordingly, in view of the available evidence, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on April 12, 2005. Accordingly, the instant application is entitled to a filing date of April 12, 2005, and has been so accorded.

The petition is granted. The $130.00 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

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
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Track/Confirm Sheet

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

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Pohl, et al. :
Filed: April 13, 2005 : ON PETITION
Application No. 60/670,719 :
Dkt. No.: P07182US00 :

This decision is in response to the "PETITION FOR FILING DATE," filed July 11, 2005.

The application was submitted April 13, 2005. On May 10, 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 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 drawings are not necessary to the understanding of the subject matter sought to be patented, and, that therefore the application is entitled to a filing date of April 13, 2005.

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 April 13, 2005 was mailed in error and is hereby **withdrawn**.

Accordingly, the petition to accord the application a filing date of April 13, 2005 is **GRANTED**.

The application will be processed with only the papers present on filing with a filing date of April 13, 2005, without drawings as part of the original disclosure.

No fee is due in connection with this matter. A refund of the previously submitted $130.00 petition fee has been requested from the Finance Office, Refund Branch on petitioner's behalf.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 13, 2005.

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

Paper No. None

SIPURA TECHNOLOGY, INC.
SUITE 500
560 S. WINCHESTER BLVD
SAN JOSE CA 95128

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JUL 24 2006
OFFICE OF PETITIONS

In re Application of :
Sam K. Sin et al. :
Application No. 60/670,968 : DECISION ON PETITION
Filed: April 13, 2005 : UNDER 37 C.F.R. §1.137(b)
Title: IMPLEMENTING RESIDENTIAL :
VOICE OVER BROADBAND SERVICES :
WITH THE SIPURA PHONE ADAPTER :

This is a decision on the petition filed on April 11, 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 of Missing Parts (notice), mailed May 11, 2005, which set a shortened statutory period for reply of two (2) months. No response was received,

---

1 A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 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.

and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 12, 2005. A notice of abandonment was mailed on February 3, 2006.

With the present petition, Petitioner has submitted the petition fee, the remainder of the basic filing fee, and the surcharge associated with the late submission of the same. Petitioner has further provided the proper statement of unintentional delay. A terminal disclaimer is not required.

As such, the petition is **GRANTED.**

After the mailing of this decision, the Office of Initial Patent Examination will be notified of the same.

The phone number for the Office of Patent Publication is (571) 272-4200. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

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[2]. In the event that such an

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2 See 37 CFR 10.18(b); cf. 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).

inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, petitioner must notify the Office.

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

cc: MATSUBAYASHI, HUGH
MacPherson Kwok Chen & Heid LLP
1762 Technology Drive
Suite 226
San Jose, CA 95110

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 17 2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Re: Patent Term Extension
Application for
U.S. Patent No. 4,603,123

A certificate of interim extension under 35 U.S.C. § 156 is enclosed extending the term of U.S. Patent No. 4,603,123 for a period of one year. Also enclosed is a copy of the corresponding Federal Register Notice.

Telephone inquiries regarding this communication should be directed to the undersigned at (571)272-7744.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Interim Extension papers

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Chiesi Farmaceutici S.p.A. :
Request for Patent Term Extension : **CERTIFICATE OF**
U.S. Patent No. 4,603,123 : **INTERIM EXTENSION**

On October 25, 2004, patent owner Chiesi Farmaceutici S.p.A. timely filed an application under 35 U.S.C. § 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,603,123. The patent claims the active ingredient piroxicam betadex in the human drug product Brexidol®. The application indicates that a New Drug Application for Brexidol® (piroxicam betadex) has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. § 156, and that the patent should be extended for one year as required by 35 U.S.C. § 156(d)(5)(B). Since the regulatory review period is anticipated to continue beyond the expiration date of the patent on November 13, 2004, interim extension of the patent term under 35 U.S.C. § 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. § 156(d)(5) of the term of U.S. Patent No. 4,603,123 is granted for a period of one year from the expiration date of the patent, i.e., until November 13, 2005.

11/04/04
Date

Jon W. Dudas
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

DEPARTMENT OF COMMERCE **[3510-16]**

[Docket No. 2004-P-049]

United States Patent and Trademark Office

Grant of Interim Extension of the Term of U.S. Patent No. 4,603,123; piroxicam betadex

AGENCY: United States Patent and Trademark Office

ACTION: Notice of Interim Patent Term Extension

SUMMARY: The United States Patent and Trademark Office has issued a certificate under 35 U.S.C. § 156(d)(5) for a one-year interim extension of the term of U.S. Patent No. 4,603,123.

FOR FURTHER INFORMATION CONTACT: Karin Ferriter by telephone at (571)272-7744; by mail marked to her attention and addressed to Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to her attention at (571)273-7744, or by e-mail to Karin.Ferriter@uspto.gov.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has

been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On October 25, 2004, patent owner Chiesi Farmaceutici S.p.A. timely filed an application under 35 U.S.C. § 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,603,123. The patent claims the active ingredient piroxicam betadex in the human drug product Brexidol®. The application indicates that a New Drug Application for Brexidol® (piroxicam betadex) has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. § 156, and that the patent should be extended for one year as required by 35 U.S.C. § 156(d)(5)(B). Since the regulatory review period is anticipated to continue beyond the expiration date of the patent on November 13, 2004, interim extension of the patent term under 35 U.S.C. § 156(d)(5) is appropriate.

Dated: November 5, 2004.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–25210 Filed 11–10–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 2004–P–049]

Grant of Interim Extension of the Term of U.S. Patent No. 4,603,123; Piroxicam Betadex

AGENCY: United States Patent and Trademark Office, DOC.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued a certificate under 35 U.S.C. 156(d)(5) for a one-year interim extension of the term of U.S. Patent No. 4,603,123.

FOR FURTHER INFORMATION CONTACT: Karin Ferriter by telephone at (571) 272–7744; by mail marked to her attention and addressed to Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450; by fax marked to her attention at (571) 273–7744, or by e-mail to *Karin.Ferriter@uspto.gov.*

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On October 25, 2004, patent owner Chiesi Farmaceutici S.p.A. timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,603,123. The patent claims the active ingredient piroxicam betadex in the human drug product Brexidol®. The application indicates that a New Drug Application for Brexidol® (piroxicam betadex) has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156, and that the patent should be extended for one year as required by 35 U.S.C. 156(d)(5)(B). Since the regulatory review period is anticipated to continue beyond the expiration date of the patent November 13, 2004, interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 4,603,123 is granted for a period of one year from the expiration date of the patent, i.e., until November 13, 2005.

Dated: November 4, 2004.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 04–25204 Filed 11–10–04; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

November 8, 2004.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: November 12, 2004.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Bureau of Customs and Border Protection website (http://www.cbp.gov), or call (202) 344-2650. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 647/648 is being increased for the cancellation of special shift, reducing the limit for Categories 347/348 to account for the special shift being returned to Category 647/648.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 69 FR 4926, published on February 2, 2004). Also see 68 FR 65254, published on November 19, 2003.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 8, 2004.

Commissioner,

Bureau of Customs and Border Protection, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 13, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on January 1, 2004 and extends through December 31, 2004.

Effective on November 12, 2004, you are directed to adjust the limits for the categories listed below, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month restraint limit [1]
Levels in Group I	
347/348	3,246,042 dozen.
647/648	5,986,332 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2003.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E4–3153 Filed 11–10–04; 8:45 am]

BILLING CODE 3510–DS–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

November 8, 2004.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

An interim extension under 35 U.S.C. § 156(d)(5) of the term of U.S. Patent No. 4,603,123 is granted for a period of one year from the expiration date of the patent, i.e., until November 13, 2005.

11/04/04
Date

Jon W. Dudas
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

Certified to be a true copy of the original

Certifying Officer
U.S. Patent and Trademark Office
Department of Commerce

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PFIZER INC
Steve T. Zelson
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

COPY MAILED

JUL 25 2008

In re Application of :
Jaymin C. Shah, et al. :
Application No. 60/671,124 : DECISION GRANTING PETITION
Filed: April 13, 2005 :
Attorney Docket No. PC32850 :

This is a decision in response to the petition filed March 20, 2008, requesting that the above-identified application be accorded a filing date of April 13, 2005, instead of the presently accorded date of April 14, 2005.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on April 13, 2005. In support, petitioners provide, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EV 323552977 US, showing a "Date-In" of "4 13 05." It is noted that the label also includes a USPS stamp dated "APR 13 2005". The same Express Mail receipt number appears on the application transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the USPS on April 13, 2005.

The petition is granted.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **April 13, 2005** and issuance of a corrected filing receipt.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Neifeld IP Law, PC
4813-B Eisenhower Avenue
Alexandria, VA 22304

COPY MAILED

JUL 06 2005

OFFICE OF PETITIONS

In re Application of :
Anthony et al. :
Application No. 60/671,532 : DECISION GRANTING PETITION
Filed: April 15, 2005 :
Attorney Docket No. X2YA0049P-US :

This is a decision on the petition filed May 16, 2005, requesting that the above-identified application be accorded a filing date of April 15, 2005, with Figure 10u as part of the original disclosure.

On April 15, 2005, applicants filed the above-identified application. On May 9, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of April 15, 2005, and advising applicants that Figures 10s, 10u, 11e, 11f, 11g, 16d and 16e described in the specification appeared to have been omitted.

In response, on May 16, 2005, applicants filed the present petition and paid the $400.00 petition fee. Applicants asserted that Figure 10u was filed with the original application papers.[1]

Upon review of the record, Figure 10u has been located among the application papers. Therefore, the application will be accorded a filing date of April 15, 2005, with Figure 10u as part of the original disclosure.

Accordingly, the petition is granted.

[1] In the present petition, applicants did not assert that they submitted Figures 10s, 11e, 11f, 11g, 16d and 16e on filing. Accordingly, this decision will only address whether applicants omitted Figure 10u on filing.

The requirement for the submission of Figure 10u was sent in error. Accordingly, the $400.00 petition fee is unnecessary and will be refunded by treasury check in due course.

The Office of Initial Patent Examination is directed to **accord the above-identified provisional application a filing date of April 15, 2005**, using the 36 sheets of drawings submitted on filing (including Figure 10u). However, Figures 10s, 11e, 11f, 11g, 16d and 16e will not be entered.

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

BOURQUE & ASSOCIATES, P.A.
SUITE 301
835 HANOVER STREET
MANCHESTER NH 03104

COPY MAILED

JUN 13 2005

OFFICE OF PETITIONS

In re Application of :
Michael Krinsky et al. :
Application No. 60/671,800 : DECISION ON PETITION
Filed: April 15, 2005 :
Attorney Docket No. TMC-002PR :

This is a decision on the petition filed May 31, 2005 in response to the Notice of Omitted Items mailed May 12, 2005, which is treated under 37 CFR 1.182.

On April 15, 2005, the application was filed. On May 12, 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 April 15, 2005, but that Figures 2,3,4,5, 6 and 7 described in the specification appeared to have been omitted.

In response, on May 31, 2005 a complete set of drawings (seven sheets-Figures 1-7) and the present petition were submitted. Petitioners assert that seven sheets containing Figures 1-7 were filed with the other application papers on April 15, 2005. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of April 15, 2005, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of seven sheets of drawings. Petitioners request that the application be considered complete with Figures 2,3,4,5, 6 and 7 as of the date of filing, April 15, 2005.

A review of the record reveals that only one (1) sheet of drawings are located among the application papers deposited on April 15, 2005 and there are no pages of drawings containing Figures 2,3,4,5, 6 and 7. However, from the evidence presented it is obvious that there should have been seven sheets of drawings. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including the six (6) sheets of drawings containing Figures 2,3,4,5, 6 and 7 as described in the specification, is entitled to a filing date of April 15, 2005.

The "Notice" mailed on May 12, 2005, is **VACATED**.

In view of the above, the petition is **GRANTED**. The $400.00 petition fee paid on May 12, 2005, will be refunded to deposit account 19-0741.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of April 15, 2005, using the application papers filed on April 15, 2005 and the drawings supplied on May 31, 2005.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/671,828	04/15/2005		100	3004.LCOX.PR	6		

CONFIRMATION NO. 5326

CORRECTED FILING RECEIPT

OC000000016214644

27472
RANDALL B. BATEMAN
BATEMAN IP LAW GROUP
8 EAST BROADWAY, SUITE 550
PO BOX 1319
SALT LAKE CITY, UT 84110

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)

Lanita Cox, Draper, UT;

Power of Attorney:

Randall Bateman–37774

If Required, Foreign Filing License Granted: 05/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/671,828

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Food serving tray

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

COPY MAILED

JUL 20 2005

OFFICE OF PETITIONS

In re Application of :
Torrell et al. :
Application No. 60/671,967 :
Deposited: April 16, 2005 :
Attorney Docket No. JPI018-PROV :

ON PETITION

This is in response to the petition under 37 CFR 1.53(e), filed on June 27, 2005, requesting that the above-identified application be accorded a filing date of April 16, 2005.

With the present petition, petitioner submitted a petition fee of $130.00. However, effective December 8, 2004, the fee for a petition under 37 CFR 1.53(e) increased from $130.00 to $400.00. The rules and statutory provisions governing the operations of the Office require payment of a fee upon filing a petition. In this instance, the petition fee is deficient in the amount of $270.00. Unfortunately, petitioner's Deposit Account does not contain sufficient funds to charge the amount due.

The petition will not be treated on its merits, but rather will remain in the file until the Office receives a renewed petition under 37 CFR 1.53(e), as well as the balance of the fee due in the amount of $270.00.

Petitioner must file both a request for reconsideration and pay the balance due of $270.00 within **TWO (2) MONTHS** of this decision. No extensions of time are permissible.

The Office notes that the original specification cannot be located in the Office. Therefore, petitioner must submit a duplicate copy of the specification **as filed** on April 16, 2005, for examination purposes. The copy of the specification submitted with the present petition contains the label "Exhibit A."

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: (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) 272-3211.

Christina P. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

COPY MAILED

AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Torrell et al. :
Application No. 60/671,967 : ON PETITION
Filed: April 16, 2005 :
Attorney Docket No. JPI1018-PROV :

This is a decision on the petition under 37 CFR 1.53(e), filed August 1, 2005, requesting that the above-identified application be accorded a filing date of April 16, 2005.

On April 16, 2005, applicants deposited the above-identified application. On June 2, 2005, the Office mailed a Notice of Incomplete Provisional Application, stating that the application was deposited without a specification and that the filing date would be the date of receipt of the omitted item.

In response, on June 27, 2005, applicants filed the original petition under 37 CFR 1.53(e); however, the Office did not treat the petition on the merits because the petition fee was deficient in the amount of $270.00. On August 1, 2005, applicants submitted the present petition, 7 pages of specification, including 1 page of abstract, and the correct petition fee. Additionally, applicants submitted a copy of a returned, date-stamped postcard receipt, acknowledging receipt of 7 pages of specification, including 1 page of abstract, in the United States Patent and Trademark Office (USPTO) on April 16, 2005.

Upon review of the record, the 7 pages of specification, including 1 page of abstract, deposited on April 16, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 16, 2005, contained 7 pages of specification, including 1 page of abstract, which were subsequently misplaced in the USPTO. Therefore, the application, including the 7 pages of specification, including 1 page of abstract, was complete on filing and will be granted a filing date of April 16, 2005.

Accordingly, the petition is granted.

The Notice of Incomplete Provisional Application was sent in error and is hereby vacated. Thus, the petition fee is unnecessary and will be refunded to Deposit Account No. 50-2691.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 16, 2005,** using the 7 pages of specification, including 1 page of abstract, submitted on August 1, 2005, as part of the original disclosure, and to mail a 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 & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 8/10/05

2 Serial/Patent # 60/671,967

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	—	8/1/05	$ 400
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 400

8 TO BE REFUNDED BY:

	Treasury Check (C
X	Credit Deposit A/C #:

9 5 0 - 2 6 9 1

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Notice of Incomplete is vacated

11 REFUND REQUESTED BY: C. T. Donnell

TYPED/PRINTED NAME: C. T. Donnell TITLE: Pet. Atty

SIGNATURE: C. T. Donnell PHONE: 272-3211

OFFICE: 4700

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: Alicia Kelly DATE: 8/10/05

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/672,175	04/14/2005		200	1662/95701			

26646
KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

CONFIRMATION NO. 9766

CORRECTED FILING RECEIPT

OC000000016213580

Date Mailed: 06/07/2005

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

Applicant(s)

Vinod Kumar Kansal, Faridabad, INDIA;

Power of Attorney:

John Starr Jr--44474

If Required, Foreign Filing License Granted: 05/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/672,175

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

Non-Publication Request: No

Early Publication Request: No

Title

Novel synthesis of quetiapine 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).

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
60/672,368	04/15/2005		100	RM. LB1	2		

CONFIRMATION NO. 6932

ROHM & MONSANTO, PLC
12 Rathbone Place
Grosse Pointe, MI 48230

CORRECTED FILING RECEIPT

OC000000016085325

Date Mailed: 05/20/2005

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

Applicant(s)

Leslie Marie Brown, Detroit, MI;

Power of Attorney:

Benita Rohm–28664

If Required, Foreign Filing License Granted: 04/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/672,368

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Prayer pillow

LICENSE FOR FOREIGN FILING UNDER

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

GRANTED

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

Franklin V. Lynn
3825 Branch Dr., S.W.
Atlanta GA 30331

COPY MAILED

JAN 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Franklin Vinson Lynn :
Application No. 60/672,448 : ON PETITION
Filed: 04/18/2005 :
Title: Unknown :

This is in response to the communication filed on March 2, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the above-identified application.[1]

The petition under 37 CFR 1.137(b) will not be treated on its merits, but rather will remain in the file until the United States Patent and Trademark Office (Office) receives a renewed petition under 37 CFR 1.137(b), the requisite petition fee of $750.00 for a small entity, and the required reply to the Notice to File Missing Parts of Nonprovisional Application.

The Office notes:

> 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

[1] The Office notes that a provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to 37 CFR 1.137, however a provisional application will not be regarded as pending after 12 months from its filing date under any circumstances. That is, petitioner may file a petition to revive the instant provisional application but only for the 12-month period following the filing of the provisional application. If the petition were granted to establish pendency for the period up to the 12 months from the filing date of the application, the provisional application would not be pending after April 18, 2006.

> In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) **will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.**

MPEP 711.03(c)(III)(B) (emphasis added).

Accordingly, the Office lacks the discretion to, and will not, address the merits of any petition seeking revival of an abandoned application in the absence of the payment of the petition fee required by statute. In this regard, this application is properly considered abandoned by operation of 35 USC § 133 for failure to prosecute.

The Office reminds petitioner that in this instance a grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Notice to File Missing Parts of Nonprovisional Application (i.e. payment of the $200.00 statutory basic filing fee and a $50.00 surcharge).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m); (currently $750.00 for 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 pursuant to this paragraph was unintentional.

A 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)." The appropriate form is enclosed for petitioner's convenience.

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

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

By 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) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64

PTO/SB/64 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

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

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON, TX 77010-3095

COPY MAILED

AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Andersson :
Filed: April 19, 2005 : ON PETITION
Application No. 60/672,822 :
Atty. Dkt. No.: HO-P03161US1 :

This decision is in response to the petition submitted June 15, 2005 to accord the above-identified application a filing date of April 19, 2005.

The petition is hereby **GRANTED**.

The application was filed April 19, 2005. The Notice of Incomplete Provisional Application (Notice) mailed May 11, 2005 indicated that the application had not been accorded a filing date because the application appeared to have been deposited without drawings as required.

In response, petitioner argues that the application as deposited included four pages of drawings. Petitioners have included as proof of mailing and proof of receipt of the four pages of drawings a return postcard date stamped by the Office on April 19, 2005. A copy of the drawing sheets purportedly filed with the application on April 19, 2005 was also supplied.

The original drawing sheets submitted with the application papers have not been located. However, in view of the evidence presented, the Notice is hereby WITHDRAWN and the petition to accord the application a filing date of April 19, 2005 is GRANTED.

Since the original drawing sheet 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. A refund of the previously submitted petition fee has been requested from the Finance Office, Refund Branch.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 19, 2005.

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

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

USDA, ARS, OTT
5601 SUNNYSIDE AVENUE
RM 4-1159
BELTSVILLE, MD 20705-5131

COPY MAILED

JAN 18 2006

OFFICE OF PETITIONS

In re Application of :
Charles L. Cantrell et al. :
Application No. 60/672,849 : ON PETITION
Filed: April 19, 2005 :
Attorney Docket No. 0059.05 :

This is a decision on the petition filed May 4, 2005, under 37 CFR 1.10 (c), to correct the filing date to April 19, 2005, rather than the presently accorded filing date of April 20, 2005.

Petitioner alleges that the application was deposited in Express Mail service on April 19, 2005. In support, petitioner supplies a copy of Express Mail Label No. ER676917125US (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 April 19, 2005.

In view of the above, the petition is granted and since no fee is due, none will be charged to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to April 19, 2005, not April 20, 2005** 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

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
60/672,849	04/19/2005		200	0059.05	2		

CONFIRMATION NO. 1530

CORRECTED FILING RECEIPT

OC000000017884404

25295
USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

Date Mailed: 01/20/2006

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

Applicant(s)

Charles L. Cantrell, Oxford, MS;
Jerome A. Klun, Potomac, MD;
Stephen O. Duke, Oxford, MS;

Power of Attorney:

George Stover–34737

If Required, Foreign Filing License Granted: 06/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/672,849

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Novel clerodanes and methods for repelling arthropods

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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PARKS KNOWLTON - PK001
1117 PERIMETER CENTER WEST
SUITE W-307
ATLANTA GA 30338

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of
Grindle, et al.
Application No. 60/673,317 : DECISION GRANTING PETITION
Deposited : April 20, 2005
Attorney Docket No. 0701-002
FOR: LIQUID POULTRY AND LIVESTOCK FEED COMPOSITIONS AND METHODS OF MAKING

This is a decision on the petition filed July 12, 2005 (certificate of mailing date July 8, 2005) to accord a filing date of April 20, 2005 to the above-identified application.

The application was deposited on April 20, 2005. However, on May 11, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on April 20, 2005 describes drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains some disclosure for which a drawing is usually not considered essential for a filing date and a detailed written description. Therefore, the application should have

been accorded a filing date.

In view of the above, the "Notice" of May 11, 2005 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of April 20, 2005. The petition is **granted**.

Pursuant to petitioners' authorization, deposit account no. 50-3447 will be credited the $400.00 petition fee submitted with the instant petition.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **April 20, 2005** and the mailing of a filing receipt reflecting the April 20, 2005 filing date. The copies of Figures 1-3 will **not** be processed as part of the original application papers.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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SCHWEGMAN LUNDBERG WOESSNER & KLUTH
PO BOX 2938
MINNEAPOLIS MN 55402-0938

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AUG 16 2005
OFFICE OF PETITIONS

In re Application of :
Lu, et al. :
Application No. 60/673,826 : DECISION ON PETITION
Filed: April 22, 2005 :
Attorney Docket No. 1676.035PRV :

This is in response to the petition under 37 CFR 1.53, filed July 7, 2005, to accord the above identified application a filing date of April 22, 2005.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on April 22, 2005. However, on June 2, 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 specification was missing and the application was deposited without drawings.

In response, applicants filed the instant petition. Accompanying the petition was a copy of 6 sheets of drawings. Applicants maintain that the application as originally filed included these drawings. In support thereof, applicants submitted a postcard receipt identifying this application, itemizing "6 Sheet(s) of DRAWINGS" as enclosed, bearing a United States Patent and Trademark Office date-stamp of April 22, 2005, and lacking any notation of non receipt of any item listed.

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

Given the basis for granting this petition, the petition fee will be refunded under separate cover.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of April 22, 2005, using the 6 sheets of drawings as resupplied on petition filed July 7, 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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Paper No.

PHYNEXUS, INC.
3670 CHARTER PARK DR., SUITE A
SAN JOSE CA 95136

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AUG 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Douglas Gjerde	:	DECISION ON
Application No. 60/674,050	:	PETITION
Filed: April 21, 2005	:	
Attorney Docket No. P020.110	:	

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)," filed July 18, 2005. This petition is properly considered as a petition under 37 CFR §1.53(e)(2) to accord the above-identified application a filing date of April 21, 2005.

Application papers in the above-identified provisional application were deposited on April 21, 2005. However, on May 18, 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 asserts that references to figures, from another provisional application, were inadvertently included in this application. However, drawings are not necessary for an understanding of the subject matter sought to be patented.

Petitioner's assertion is well-taken. As set forth in MPEP 601.01(f), it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an

understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the application as filed reveals that it contains at least one method claim. In view of the presence of the method claim and petitioner's contention that drawings are not necessary, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete Provisional Application" mailed May 18, 2005, was mailed in error and is hereby **withdrawn**.

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

Given the basis for granting this petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to the Deposit Account.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will correct the filing date to April 21, 2005, with "0" drawings present in the application.

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

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LAW OFFICES OF JOHN E. WAGNER
3541 OCEAN VIEW BOULEVARD
GLENDALE, CA 91208

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JUL 21 2005

OFFICE OF PETITIONS

In re Application of :
Calabro et al. :
Application No. 60/674,186 :
Filed: April 21, 2005 : DECISION ON PETITION
Title of Invention: :
UNIVERSAL DIGITAL :
IDENTIFICATION SYSTEM AND :
CARD :

This is a decision on the correspondence entitled Response to Notice of Omitted Item(s) in a Nonprovisional Application Filed Under 37 CFR 1.53(c) and Conditional Petition to Enter Fig. 7, filed July 1, 2005.

Background

The application was filed April 21, 2005. On May 20, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date; however, Figure 7 described in the specification appeared to have been omitted from the application.

The Notice

As provided in the MPEP,

> [t]he mailing of a "Notice of Omitted Items" will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the page(s) at issue (generally by way of a date-stamped, itemized postcard receipt (MPEP § 503)); or (2) promptly submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant desiring to submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application

> filing date must, within 2 months from the date of the "Notice of Omitted Item(s)," file any omitted page(s) with an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64 referring to such page(s) and a petition under 37 CFR 1.182 with the petition fee set forth in 37 CFR 1.17(h), requesting the later filing date (37 CFR 1.181(f)). An applicant willing to accept the application as deposited in the USPTO need not respond to the "Notice of Omitted Items," and the failure to file a petition under 37 CFR 1.53(e) or 37 CFR 1.182 (and the required petition fee) as discussed above within 2 months of the date of the "Notice of Omitted Item(s)" (37 CFR 1.181(f)) will be treated as constructive acceptance by applicant of the application as deposited in the USPTO. Amendment of the specification is required in a nonprovisional application to renumber the pages consecutively and cancel any incomplete sentences caused by the absence of the omitted page(s). Such amendment should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

MPEP 601.01(d)

The instant correspondence

Applicant responds with the instant correspondence and avers that "the actual contents of Fig. 7 are present in the application…, and incorporated by reference to U.S. Patent 6,598,031." Correspondence at p.2. Applicant has filed with this correspondence a" a fully labeled Fig. 7", and requests that the fully labeled Fig. 7 be placed in the application file. Applicant alternatively requests that "the relabeled Fig. 7 be inserted in its proper place among the drawings and that it be held that no petition fee is required." Id.

Applicable Law, Rules, and MPEP

Initially it is noted incorporation by reference only applies to applications which are to issue as patents, or in benefit applications; i.e., those domestic (35 U.S.C. 120) or foreign (35 U.S.C. 119(a)) applications relied on to establish an earlier effective filing date. See, MPEP 608.01(p). Here, a provisional application is neither an application that will issue as a U.S. patent, not is it possible for a provisional application to obtain the benefit of a prior filed application.

Applicant is also advised that no Amendment is permitted in a provisional application after it receives a filing date. MPEP 608.04.

Further to this, the Notice provided Applicant with three options: 1) establish prior receipt of the drawing Figure in the Office; 2) file the omitted Figure and accept the date of such submission as the application filing date, or 3) do nothing and accept the application as filed.

Here, Applicant wishes to add the drawing Figure to the application; however, Applicant has failed to establish prior receipt in the USPTO of the page(s) at issue (generally by way of a date-stamped, itemized postcard receipt (MPEP § 503). Also, while Applicant has filed the omitted Figure, Applicant requests that the Figure be inserted in its proper place among the drawings, presumably while maintaining the filing date accorded the application[1]. This option is unavailable to Applicant.

Finally, Applicant requests a refund of the petition fee. The petition fee will not be refunded because the petition was not necessitated by an error on the part of this Office.

The petition is **dismissed**.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

[1] If this is an incorrect presumption, Applicant must notify this Office immediately.

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MARK ROGERS
SAFE FOODS CORPORATION
4801 NORTH SHORE DRIVE
NORTH LITTLE ROCK, AR 72118

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OCT 1 1 2005

OFFICE OF PETITIONS

In re Application of :
Joe Rheingans, et al :
Application No. 60/674,230 : DECISION GRANTING PETITION
Filed: April 22, 2005 :
Attorney Docket No. 2.2.4-60 :

This is a decision on the petition filed May 25, 2005, requesting that the above-identified application be accorded a filing date of April 22, 2005, instead of the presently accorded date of April 25, 2005.

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 April 22, 2005. In support, petitioner provides a copy of the Express Mail label, No. ED 377388117 US. The same Express Mail tracking number appears on the original transmittal letter found in the file.

It is noted that while the "date-in" is not entered on the copy of the Express Mail mailing label, the label includes a USPS receipt date stamp of "Apr 22 2005." Accordingly, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on April 22, 2005.

The petition is **GRANTED**.

No petition fee was charged to counsel's deposit account, nor is one due.

The application is being referred to Office of Initial Patent Examination (OIPE) for correction of the filing date to **April 22, 2005**, and issuance of a Corrected Official 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 (571) 272-4000.

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
60/674,836	04/25/2005		100	18.003.PROV	11		

CONFIRMATION NO. 9336

22147
DAVID R MCKINNEY
8 EAST BROADWAY, SUITE 500
UTAH, UT 84111

CORRECTED FILING RECEIPT

OC000000016243004

Date Mailed: 06/09/2005

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

Applicant(s)

Leonard DuCharme, American Fork, UT;
Bill Robbins, American Fork, UT;
Paul Ressler, American Fork, UT;
Darren Jensen, American Fork, UT;

Power of Attorney:

David McKinney--42868

If Required, Foreign Filing License Granted: 05/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/674,836

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

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

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NOT GRANTED

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

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ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

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JAN 18 2006

OFFICE OF PETITIONS

In re Application of :
Andrew J. Borleske et al. :
Application No. 60/674,953 : ON PETITION
Filed: April 25, 2005 :
Attorney Docket No. ELSE-0927/E20050100 :

This is a decision on the petition filed May 24, 2005, under 37 CFR 1.10 (c), to correct the filing date to April 25, 2005, rather than the presently accorded filing date of April 26, 2005.

Petitioner alleges that the application was deposited in Express Mail service on April 25, 2005. In support, petitioner supplies a copy of Express Mail Label No. EL531432265US (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 April 25, 2005.

In view of the above, the petition is granted and since no fee is due, none will be charged to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to April 25, 2005, not April 26, 2005** and for issuance of a corrected filing receipt.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/674,953	04/25/2005		200	ELSE-0927/E20050100	5		

CONFIRMATION NO. 2023

CORRECTED FILING RECEIPT

OC000000017891680

23377
WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

Date Mailed: 01/23/2006

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)

Andrew J. Borleske, Garner, NC;
Rodney C. Hemminger, Raleigh, NC;
Robert T. Mason JR., Raleigh, NC;
Robert S. Fuller, West Bend, WI;

Power of Attorney: The patent practitioners associated with Customer Number **23377**.

If Required, Foreign Filing License Granted: 05/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/674,953

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Cover for an automatic meter reading device

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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
60/675,037	04/25/2005		1200	234754			

CONFIRMATION NO. 2300

CORRECTED FILING RECEIPT

OC000000016907393

23460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

Date Mailed: 08/31/2005

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 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)

Steven M. Weinrich, York, PA;
James C. Long, York, PA;
Eric P. Grove, Dallastown, PA;
Don R. Tunnell, Perkiomenville, PA;
George E. Bachman, Fallston, MA;

Power of Attorney: The patent practitioners associated with Customer Number **23460**.

If Required, Foreign Filing License Granted: 05/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/675,037

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

Non-Publication Request: No

Early Publication Request: No

Title

Recording and tracing non-trending production data and events in an industrial process control

environment

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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BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

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AUG 2 1 2006
OFFICE OF PETITIONS

In re Application of :
Gopal et al. :
Application No. 60/675,083 : DECISION ON PETITION
Filed: April 27, 2005 :
Title of Invention: Adaptive Energy :
Management of Fuel Cell Power Module :
Connected to External Electric Energy :
Storage

This is a decision on the petition under 37 CFR §1.137(b) filed March 24, 2006 to revive the above-identified application.

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 May 26, 2005. 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 July 27, 2005. A Notice of Abandonment was mailed on February 3, 2006.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

Pursuant to petitioner's request deposit account 02-2095 will be charged the $50.00 late filing fee surcharge pursuant to 37 CFR 1.16(g).

It is further noted the change of correspondence address and power of attorney was improperly entered. A review of the record shows that there are two applicants for the above-identified application. Inventor Del Core has not executed the power of attorney document. Nor has an assignment and statement pursuant to 37 CFR 3.78(b) establishing the right of the assignee to prosecute the application been filed.

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.

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

Telephone inquiries concerning this matter 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
60/675,152	04/26/2005		100	019269-000900US	2		

CONFIRMATION NO. 3767

CORRECTED FILING RECEIPT

OC000000016501231

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

Date Mailed: 07/12/2005

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)

Lucy Y. Pao, Boulder, CO;
Vishwesh Kulkarni, Boulder, CO;
Michael Kalandros, Silver Springs, MD;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Sensor management protocol for dynamic tracking

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
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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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JONATHAN A. BAY
ATTORNEY AT LAW
333 PARK CENTRAL EAST, SUITE 314
SPRINGFIELD MO 65806

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OFFICE OF PETITIONS

In re Application of	:	
Toelken et al.	:	
Application No. 60/675,435	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. 474-8	:	

This is a decision on the petition filed May 25, 2005, requesting that the above-identified application be accorded a filing date of April 27, 2005, rather than the presently accorded date of April 28, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on April 27, 2005, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of the Track & Confirm record for Express Mail label No. ER 380100697 US, showing that the package in question was enroute on April 27, 2005, at 4:38 p.m. at the Springfield, MO USPS. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated April 27, 2005, on the cover page for the application papers.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on April 27, 2005. Accordingly, the instant application is entitled to a filing date of April 27, 2005, and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee and none has been charged.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of April 27, 2005, 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

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DR. MORDECHAY BEYAR
11 HAHOSHLIM STREET
HERZELIYA, 46724
ISRAEL

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AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of :
Mordechay, et al. :
Application No. 60/675,477 :
Filed: April 28, 2005 :
Attorney Docket No. 088/04580 :

ON PETITION

This is a decision on the petition filed August 2, 2005, requesting that the above identified provisional application be accorded a filing date of April 28, 2005.

The provisional application was deposited on April 28, 2005. However, on June 2, 2005, 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. It is noted that the specification, submitted on April 28, 2005, includes the description of Figures 1-4.

In response to the Notice, on August 2, 2005, the instant petition was filed.

Petitioner states, "Upon review of the application, applicants consider that drawings are not necessary for the understanding of the subject matter sought to be patented, and therefore, will not be submitting any drawings in accordance with 35 USC 113 (first sentence)." It is noted that the petition contains the statement that drawings are not necessary for an understanding of the subject matter and the petition is signed by a registered practitioner.

Additionally, 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 be charged to deposit account number 03-3419.

The provisional application will be returned to the Office of Initial Patent Examination for processing with a filing date of April 28, 2005, with zero (0) drawings received on that date, and issuance of a filing receipt.

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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088/04580

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mordechay BEYAR et al.

Serial Number: 60/675,477

Filing Date: April 28, 2005

For: **Angioplasty Procedure and Drug Delivery Methods and Devices**

Mail Stop Missing Parts
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53 (c)

This is a response to the Notice of Incomplete Provisional Application Filed Under 37 CFR 1.53 (c) mailed on June 2, 2005, a copy of which is hereby enclosed.

Upon review of the application, applicants consider that drawings are not necessary for the understanding of the subject matter sought to be patented, and therefore, will not be submitting any drawings in accordance with 35 USC 113 (first sentence).

Therefore, applicants respectfully request that a filing date of April 28, 2005 be granted to the present application.

Applicants believe that no petition is necessary in order to grant the present application its original filing date, however, if the office deems otherwise, please consider this submission a petition therefor, and an authorization to charge Deposit Account No. 03-3419 for the petition fee, if any is required.

A filing receipt reflecting the filing date of April 28, 2005 is respectfully expected.

Respectfully submitted,
Mordechay BEYAR et al.

Maier FENSTER, Reg. No. 41,016

08/18/2005 AKELLEY 00000008 033419 60675477
01 FC:1462 400.00 DA

August 2, 2005

Dr. Mordechay Beyar
11 Hahoshlim Street
Herzeliya 46724
Israel

UNITED STATES PATENT AND TRADEMARK OFFICE

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GOUDREAU GAGE DUBUC
800 PLACE VICTORIA, SUITE 3400
MONTREAL, QUEBEC H4Z 1E9 CA CANADA

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OFFICE OF PETITIONS

In re Application of
Favis, et al.
Application No. 60/675,913
Deposited: April 29, 2005
Attorney Docket No. 12810.106
FOR: THERMOPLASTIC STARCH AND POLYOLEFIN BLENDS AND METHOD OF MAKING

: DECISION GRANTING PETITION

This is a decision on the petition filed July 20, 2005 to accord a filing date of April 29, 2005 to the above-identified application.

The application was deposited on April 29, 2005. However, on June 7, 2005, 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 April 29, 2005 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 composition and method claims and a detailed written description. Therefore, the application should have been accorded a filing date without drawings.

In view of the above, the "Notice" mailed June 7, 2005 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of April 29, 2005. The petition is **granted**.

Pursuant to petitioner's request, the $400.00 petition fee will be credited to deposit account no.07-1742.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **April 29, 2005** and the mailing of a filing receipt reflecting the April 29, 2005 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

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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FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO CA 94304

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OFFICE OF PETITIONS

In re Application of :
David R. Bundle et al. :
Application No. 60/676,101 : DECISION GRANTING PETITION
Filed: April 29, 2005 :
Attorney Docket No. 355904-1152 :

This is a decision on the petition filed August 1, 2005, under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of April 29, 2005.

The petition is **GRANTED**.

The application was filed on April 29, 2005, without drawings. Accordingly, on May 19, 2005, 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 requests that the application be accorded a filing date of April 29, 2005.

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 May 19, 2005, 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. 50-0872.[1]

Additionally, the period for response to a Notice of Incomplete Provisional Application is not extendable. However, at the discretion of the agency an untimely petition for a filing date may be considered. Therein, since the petition has been considered the request for extension of time and fee are unnecessary. Petitioner's deposit account no. 50-0872 has also been credited in the amount of $120.00 for the one month extension of time fee paid with the petition.

The application is accorded a filing date of April 29, 2005, 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 April 29, 2005, 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
Senior Petitions Attorney
Office of Petitions

[1]Effective November 22, 2004, the petition fee has been increased from $130.00 to $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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PALO ALTO CA 94304

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of
David R. Bundle et al.
Application No. 60/676,101
Filed: April 29, 2005
Attorney Docket No. 355904-1152

: DECISION ON PETITION

This is a decision on the petition filed August 2, 2005, under 37 CFR 1.137(b), to revive the above-identified provisional application.

The petition is **DISMISSED** as involving moot issues.

The application was filed on April 29, 2005, without drawings. Accordingly, on May 19, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings. In response, a petition under 1.53 was filed August 1, 2005 with a one month extension of time. That petition argued that drawings are not necessary for an understanding of the subject matter sought to be patented, and requested that the application be accorded a filing date of April 29, 2005.

The petition filed August 1, 2005 was granted in a decision mailed August 9, 2005 and therein it was indicated that 1) the "Notice" mailed May 19, 2005, was mailed in error and therefore was withdrawn, 2) the petition fee in the amount of $400.00 was credited back to deposit account no. 50-0872[1] and 3) that the period for response to a Notice of Incomplete Provisional Application is not extendable.

Likewise, an application that has not been accorded a filing date cannot become abandoned. As indicated in the "Notice of Incomplete Provisional Application", failure to have timely responded would result in the proceedings being terminated, not abandoned.

In view thereof, like the request for extension of time, this petition to revive is unnecessary. No petition fees are due and none have been charged.

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[1]Effective November 22, 2004, the petition fee has been increased from $130.00 to $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.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2
CANADA

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OFFICE OF PETITIONS

In re Application of :
Dong et al. :
Application No. 60/676,282 : ON PETITION
Filed: 2 May, 2005 :
Atty Docket No. 571-982 :

This is a decision on the paper filed on 11 July, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of 2 May, 2005.

The petition is **GRANTED**.

The application was filed on 2 May, 2005, without drawings. Accordingly, on 6 June, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application stating that the application had been deposited without drawings.

On 11 July, 2005, 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 2 May, 2005, 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 19 method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 6 June, 2005, 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 2 May, 2005, without drawings as a part of the original disclosure. The petition fee paid of $130.00 will be credited to counsel's deposit account, No. 02-2095.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 2 May, 2005, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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RALPH T. LILORE
371 FRANKLIN AVENUE
THIRD FLOOR – P.O. BOX 570
NUTLEY, NJ 07110

COPY MAILED

APR 14 2006

OFFICE OF PETITIONS

In re Application of :
Jeffrey Conforti :
Application No. 60/676,591 : ON PETITION
Filed: April 29, 2005 :
Attorney Docket No. JC-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 6, 2006, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed May 18, 2005.

The 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 basic filing fee, along with the $25 surcharge; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/676,693	04/29/2005		450	9516-161-888	52		

CONFIRMATION NO. 8334

CORRECTED FILING RECEIPT

OC000000016957138

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

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)

Manohar Saindane, Monmouth Junction, NJ;
Chuansheng Ge, Belle Mead, NJ;

Power of Attorney:

Anthony Insogna–35203
Michael Bruner–47458

If Required, Foreign Filing License Granted: 06/17/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/676,693

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

Non-Publication Request: No

Early Publication Request: No

Title

Solid forms of a JNK inhibitor

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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500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

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SEP 23 2005

OFFICE OF PETITIONS

In re Application of :
Schnorr et al. :
Application No. 60/676,701 : ON PETITION
Filed: May 2, 2005 :
Attorney Docket No. 10685.003-US :

This is a decision on the petition filed June 30, 2005, which is being treated as a petition under 37 CFR 1.10 to accord the above-identified application a filing date of April 29, 2005, instead of May 2, 2005.

Paragraph (c) of 37 CFR 1.10 sets forth procedures for filing a petition for a filing date where there is a discrepancy between the filing date initially accorded by the Office and the "date-in" entered by the USPS. Paragraph (d) of 37 CFR 1.10 sets forth procedures for filing a petition for a filing date where the "date-in" is incorrectly entered or omitted by the USPS.

Petitioner has failed to provide evidence establishing the "date-in" entered by the USPS. Specifically, petitioner has failed to provide the PTO with a copy of the express mail label. Paragraph (b) of 37 CFR 1.10 provides,

> Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked.

Since an express mail label has not been provided, petitioner has failed to establish the "date-in" entered by the USPS. Therefore, petitioner has failed to establish a discrepancy between the filing date accorded by the Office and the "date-in" entered by the USPS. In addition, petitioner has failed to establish that the "date-in" was incorrectly entered or omitted by the USPS.

Petitioner has also failed to prove the "Express Mail" mailing label number was placed on the papers that constituted the correspondence prior to the original mailing by "Express Mail.

Accordingly, the petition is **dismissed**.

The petition is labeled as a petition under 37 CFR 1.53 which requires a fee of $400. Therefore, $400 was charged to petitioner's deposit account. However, the petition is properly treated as a petition under 37 CFR 1.10 which requires no petition fee. The $400 will be credited back to petitioner's deposit account.

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.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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BARNES, KISSELLE, P.C.
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TROY MI 48099-4390

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JUL 2 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Styket et al.	:	
Application No. 60/676,886	:	
Filed: May 2, 2005	:	ON PETITION
Attorney Docket Number:	:	
0859.3032.001	:	

This decision is in response to the Petition to Expedite Under 37 CFR 1.182 the Petition to Expunge Under Rule 59B, filed May 22, 2006.

Applicant filed a Petition to Expunge Under Rule 59B on March 21, 2006, supplemented on March 29, 2006. Applicant herein requests expedited treatment of the petition to expunge.

The petition is **granted**.

A decision on the petition to expunge is being mailed concurrently with this decision.

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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TROY MI 48099-4390

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JUL 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Styket et al.	:	
Application No. 60/676,886	:	
Filed: May 2, 2005	:	ON PETITION
Attorney Docket Number:	:	
0859.3032.001	:	

This is a decision on the Petition to Expunge Under Rule 59(b), filed March 21, 2006, to expunge a portion of the above-identified application identified as confidential trade secret material.

Applicant filed drawings and an Appendix A in the above-identified provisional application and inadvertently included confidential trade secret material to wit: drawing Figures 5-10 and Appendix A.

Applicant has established to the satisfaction of the Director that expunging the trade secret material is appropriate.

However, the present application as filed has been scanned and is maintained in the Office in an Image File Wrapper (IFW). The instant request is not for national security reasons. Thus, the pages will not be removed from the IFW. Instead, the Office has "hidden" the confidential trade secret material/pages filed with the application. See *Reminder of the Proper Procedure for Filing Confidential Information Pursuant to MPEP 724.02(signed April 23, 2004)*, 1282 OG 107 (May 18, 2004).

Accordingly, the petition is **GRANTED** to the extent indicated herein.

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

Derek L. Woods
Attorney
Office of Petitions

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SEP 0 8 2006

OFFICE OF PETITIONS

In re Application of
Russell Paul Miller et al. :
Application No. 60/676,903 : ON PETITION
Filed: May 2, 2005 :
Attorney Docket No. **0859.3031.001** :

This is a decision on the "PETITION TO EXPUNGE UNDER RULE 59(B)," filed March 21, 2006, to expunge a portion of the above-identified application identified as confidential trade secret material.

Petitioners request expungement and return of figures 8, 9, 10; Appendix A, Invention Disclosure and eighteen pages of Code Listings from the disclosure originally filed in this application. Petitioners state that the information provided therein is "trade secret material", proprietary to the applicant and has not been made public.

Applicant has established to the satisfaction of the Director that expunging the trade secret material is appropriate.

However, the present application as filed has been scanned and is maintained in the Office in an Image File Wrapper (IFW). The instant request is not for national security reasons. Thus, the pages will not be removed from the IFW. Instead, the Office has "hidden" figures 8, 9, 10; Appendix A, Invention Disclosure and eighteen pages of Code Listings as originally filed with the application. See *Reminder of the Proper Procedure for Filing Confidential Information Pursuant to MPEP 724.02(signed April 23, 2004)*, 1282 OG 107 (May 18, 2004).

Accordingly, the petition is **GRANTED**.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 12 2006
OFFICE OF PETITIONS

In re Application of	:
Styket, et al.	:
Application No. 60/676,915	: ON PETITION
Filed: May 2, 2005	:
Attorney Docket No. 0859.3029.001	:
For: CARTON FORMING, FILLING, AND	:
SEALING MACHINE FAULT OVER-RIDE	:
METHOD AND DEVICE	:

This is a decision on (1) the petition under 37 CFR 1.59(b), filed March 21, 2006, requesting that a portion of the above-identified provisional application be expunged because it contains confidential trade secret material; (2) the petition under 37 CFR 1.182 requesting expedited review of the March 21, 2006 petition under 37 CFR 1.59(b); and (3), the petition under 37 CFR 1.48(d) to correct the inventorship in the above-identified provisional application.

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

The petition under 37 CFR 1.59 is **GRANTED**, to the extent indicated below.

The petition under 37 CFR 1.48(d) is **GRANTED**.

Applicants filed drawings, an Invention Disclosure, and several code listings in the above-identified provisional application that inadvertently included confidential trade secret material.

Applicants have established to the satisfaction of the Director that expunging the trade secret material is proper.

Since the application is an Image File Wrapper application and the information sought to be expunged does not pertain to national security issues, the pages will not be removed. Instead, the Office will close the documents/portion of the documents that contain the trade secret material. See *Reminder of the Proper Procedure for Filing Confidential Information Pursuant to MPEP 724.02* (signed April 23, 2004) 1282 og 107 (May 18, 2004).

Regarding the requested change in inventorship, the petition under 37 CFR 1.48(d) is granted. Please find a corrected filing receipt that includes Kenneth Archie Poublon as a joint inventor.

Telephone inquiries related to this decision should be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

enclosure: 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
60/676,915	05/02/2005		200	0859.3029.001	13		

CONFIRMATION NO. 8821

CORRECTED FILING RECEIPT

23399
REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P O BOX 4390
TROY, MI 48099-4390

OC000000020323863

Date Mailed: 09/06/2006

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)

Russell Paul Miller, Fowlerville, MI;
Chadwick Axel Wierenga, Linden, MI;
Kenneth Archie Poublon, Taylor, MI;

Power of Attorney: None

If Required, Foreign Filing License Granted: 05/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/676,915

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Carton forming, filling, and sealing machine fault over-ride method and device

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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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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SEP 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Miller et al.	:	
Application No. 60/676,916	:	
Filed: May 2, 2005	:	ON PETITION
Attorney Docket Number:	:	
0859.3030.001	:	

This decision is in response to the Petition to Expunge Under Rule 59B, filed March 21, 2006, and supplemented March 29, 2006.

Applicant filed drawings and Appendixes A and B in the above-identified application and inadvertently included confidential trade secret material to wit: drawing figures 5 - 10; Appendix A, and Code listings entitled "Filler/Cam/Product Viscosity Selection (5 pages); Filler Servo Over-Ride (10 pages), and Turret Mid-Index Stop (3 pages).

Applicant has established to the satisfaction of the Director that expunging the trade secret material is appropriate.

However, the present application as filed has been scanned and is maintained in the Office in an Image File Wrapper (IFW). The instant request is not for national security reasons. Thus, the pages will not be removed from the IFW. Instead, the Office has "hidden" the confidential document pages as filed with the IDS. See *Reminder of the Proper Procedure for Filing Confidential Information Pursuant to MPEP 724.02(signed April 23, 2004)*, 1282 OG 107 (May 18, 2004).

Accordingly, the petition is **GRANTED** to the extent indicated herein.

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

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of :
Hongtao Xing et al :
Application No. 60/677,055 : ON PETITION
Filed: May 3, 2005 :
Attorney Docket No. 14193-028P01 / CK05101 :

This is a decision on the petition under 37 CFR 1.182, filed July 27, 2005, to change the name of Inventor Shiu Lam Edgar to Shiu Lam Edgar Liu.

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 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 matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc:

Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110

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
60/677,148	04/28/2005		100	SCREWSET-653	1		

CONFIRMATION NO. 9908

Christopher John Rudy
Ste. 8
209 Huron Ave.
Port Huron, MI 48060

CORRECTED FILING RECEIPT

OC000000016171493

Date Mailed: 06/02/2005

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

Applicant(s)

William Peter Grant, Virginia Beach, VA;
Louis A. Serafin JR., Lakeport, MI;

Power of Attorney:

Christopher Rudy–31873

If Required, Foreign Filing License Granted: 05/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/677,148

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Bone securement

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

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SEP 30 2005

OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING
Michael Paglia et al	:	PETITION
Application No. 60/677,673	:	
Filed: May 3, 2005	:	
Attorney Docket No. TLN-034-1	:	

This is a decision on the petition under 37 CFR 1.10, filed June 16, 2005, requesting that the above-identified application be accorded a filing date of May 3, 2005, rather than the presently accorded filing date of May 4, 2005.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on May 3, 2005, pursuant to the requirements of 37 CFR 1.10. In support, applicants provideda copy of the Express Mail label, receipt no. EV418602792US, showing a Date-In of May 3, 2005, which also includes a USPS date stamp receipt of May 3, 2005. The same Express Mail Number found on the original Provisional Application For Patent Cover Sheet is located in the official file.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 3, 2005. Accordingly, the instant application file is entitled to a filing date of May 3, 2005, and has been so accorded.

The petition is granted. No fee is required and none has been changed.

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
Office of the Deputy Commissioner
for Patent Examination Policy

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CABINET BEAU DE LOMENIE
158 RUE DE L'UNIVERSITE
PARIS 75007 FR FRANCE

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of
Chang et al.
Application No. 60/677,740
Filed: May 3, 2005
Attorney Docket Number: MB-NC-0001-MRY
Title of Invention: Method and Apparatus for Porous Material Densification

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10 filed on May 25, 2005, requesting that the above-identified application be accorded a filing date of May 3, 2005.

Petitioner contends the application was deposited in Express Mail service on May 3, 2005. In support, petitioner supplied a copy of Express Mail receipt No. ER597405251US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The Express Mail Label shows a date-in of May 3, 2005. A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was returned to sender on May 4, 2005 for insufficient postage. Since the postage amount was incorrectly calculated by the United States Postal personnel and not by applicant or petitioner, Petitioner is entitled to the May 3, 2005 filing date.

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

The application has undergone pre-exam processing and a filing receipt was mailed on August 16, 2005, indicating that the application was accorded a filing date of March 3, 2005.

This matter will be referred to the Office of Initial Patent Examination for further processing.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA, CA 91356-3346

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of

Gary Ross

Application No. 60/678,055

Filed: May 4, 2005

Attorney Docket No. 5001.081

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 18, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on July 21, 2005, after it was believed that no response was received to the Notice to File Missing Parts of Provisional Application mailed May 20, 2005. The notice allowed a shortened period for reply of two (2) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on February 3, 2006, indicating that a reply to the notice was not received.

The instant petition was filed on March 18, 2006. Petitioner maintains that a complete response to the Notice to File Missing Parts of Provisional Application was deposited with the United States Postal Service, Express Mail Service on July 13, 2005, and given tracking number EV593950313US. The petition was accompanied by a copy of an e-mail from the United States Postal Service relaying the tracking information for package EV593950313US and evidencing that the package was delivered to the USPTO on July 15, 2005.

Based on the aforementioned, the evidence is convincing that a response to the Notice to File Missing Parts of Provisional Application was received prior to the expiration of shortened period for reply. The holding of abandonment was improperly imposed and is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded to the Office of Initial Patent Examination for further processing including acknowledgement of the application coversheet that accompanied the petition and charging of the authorized deposit account for the surcharge required by the Notice to File Missing Parts of Provisional Application.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ONE BROADWAY
NEW YORK NY 10004

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JAN 18 2006

OFFICE OF PETITIONS

In re Application of
Barnett Suskind et al.
Application No. 60/678,056
Filed: May 4, 2005
Attorney Docket Number: 13371/46001

ON PETITION

This is a decision on the petition filed September 20, 2005, requesting a corrected filing date under 37 CFR 1.10(d) of May 4, 2005, instead of the presently accorded filing date of May 3, 2005.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on May 4, 2005, 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 May 3, 2005, but argue that the application was actually deposited with the USPS on May 4, 2005.

In support, petitioners have provided a copy of Express Mail Customer label No. EV321845261US (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 May 3, 2005 and the reverse of the label with a postmark of May 4, 2005. A review of the USPS Internet Track & Confirm Database also corroborates that the item bearing Express Mail Label No. EV321845261US was "accepted" and "enroute" on May 4, 2005 and not on May 3, 2005. In view thereof, it is concluded that the correct date of deposit in Express Mail service is May 4, 2005. Therefore, the application is entitled to a filing date of May 4, 2005.

The petition is **GRANTED**. In view thereof, no petition fee is due and none has been charged.

The application is being returned to Office of Initial Patent Examination for further processing with a filing date of May 4, 2005, not May 3, 2005.

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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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
60/678,056	05/04/2005		200	13371/46001			

CONFIRMATION NO. 5780

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

CORRECTED FILING RECEIPT

OC000000017895215

Date Mailed: 01/23/2006

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)

Barnett Suskind, New York, NY;
Leonard Makowka, Studio City, CA;
Yuliy Baltaytis, Brooklyn, NY;

Power of Attorney:

Carmella Stephens--41328

If Required, Foreign Filing License Granted: 05/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/678,056

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Pluripotent cell conditioning

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

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 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
60/678,079	05/04/2005		100	220003068100			

CONFIRMATION NO. 6287

CORRECTED FILING RECEIPT

OC000000016431583

25225
MORRISON & FOERSTER LLP
3811 VALLEY CENTRE DRIVE
SUITE 500
SAN DIEGO, CA 92130-2332

Date Mailed: 06/30/2005

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 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)

David S. Williams, Del Mar, CA;
Xian-Jie Yang, Culver City, CA;

Power of Attorney: The patent practitioners associated with Customer Number **25225**.

If Required, Foreign Filing License Granted: 06/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/678,079

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Vectors and promoters for gene transfer and methods of using them

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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

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NANDAKUMAR GOVINDASWAMY
VERTEX PHARMACEUTICALS INCORPORATED
130 WAVERLY STREET
CAMBRIDGE MA 02139

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MAR 1 0 2006

OFFICE OF PETITIONS

In re Application of :
Dean Wilson et al. :
Application No. 60/678,104 : ON PETITION
Filed: May 4, 2005 :
Attorney Docket No: **VPI/05-125 PRV 1 US** :

This is a decision on the petition filed March 2, 2006, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

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

The application was held abandoned on August 4, 2005 for failure to file a timely response to the Notice to File Missing Parts mailed June 3, 2005, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed February 22, 2006.

Petitioner asserts that a proper response, was filed via facsimile transmission on August 3, 2005. In support, petitioner submits a copy of the reply said to have been filed, but not acknowledged, with the U.S. Patent and Trademark Office, which also includes a certificate of facsimile transmission pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the Notice to File Missing Parts. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged. However, the filing fees in the amount of $250.00, previously authorized, have been charged to deposit account no. 50-0725.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination 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

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

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OCT 21 2005

OFFICE OF PETITIONS

In re Application of :
George Boyadjieff :DECISION GRANTING FILING
Application No. 60/678,248 :DATE OF **MAY 3, 2005**
Filed: May 3, 2005 :
Attorney Docket No. 54625/RVW/B867 :

This is a decision on the petition under 37 CFR 1.10, filed July 18, 2005, requesting that the above-identified application be accorded a filing date of May 3, 2005, rather than the presently accorded date of May 4, 2005.

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 May 3, 2005 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of the Intranet Track Confirmation which verifies the Enroute date as May 3, 2005 in Pasadena, CA., for Express Mail label No. EV327883373US. The same Express Mail receipt number appears on the original "Provisional Application Cover sheet." Additional USPS information submitted, PS Form 5541, Item No. 2, Express Mail No. EV327883373US dated May 3, 2005.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on May 3, 2005.

The petition is **granted**.

The application file is being referred to the Office of Initial Patent Examination for processing with a filing date of **May 3, 2005,** 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
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

THOMAS J. KOWALSKI
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

In re Application of :
Jordi Puig, et al. :
Application No.: 60/678,425 : ON PETITION
Filed: May 6, 2005 :
Attorney Docket No. 660036-2002 :

This is a decision on the petition under 37 CFR 1.182, filed July 19, 2006, to correct the name and country of residence for each of the joint inventors.

The petition is GRANTED.

USPTO records will be corrected as follows:

The first inventor's name will be changed from "Jordi Puig" to "Jordi Puig Serrano."

The second inventor's name will be changed from "Jordi Bosch" to Jordi Bosch i Llado."

The country residence for each of the joint inventors with be changed from "Italy" to "Spain."

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

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/678,425	05/06/2005		100	660036-2002	2		

Thomas J. Kowalski
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

CONFIRMATION NO. 7733
CORRECTED FILING RECEIPT
OC000000022437999
OC000000022437999

Date Mailed: 02/09/2007

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)

Jordi Puig Serrano, Girona, SPAIN;
Jordi Bosch i Llado, Girona, SPAIN;

Power of Attorney:

Thomas Kowalski--32147
Angela Collison--51107

If Required, Foreign Filing License Granted: 05/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/678,425

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

Process of making geminal bisphosphonic acids and pharmaceutically acceptable salts 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

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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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Alexandria, VA 22313-1450
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Paper No.

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

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SEP 20 2005

OFFICE OF PETITIONS

In re Application of :
Sojka et al. : DECISION ON PETITION
Application No. 60/678,450 :
Filed: May 6, 2005 :
Attorney Docket No. 21,580 :

This is a decision on the "Petition Pursuant to 37 C.F.R. 1.53(e)" filed July 25, 2005, requesting that the above-identified provisional application be accorded a filing date of May 6, 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 May 6, 2005. However, on May 25, 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. Petitioners assert that the filing of drawings with this application are not necessary under 35 U.S.C. 113 (first sentence) for a filing date. Petitioner argues, among other things, that at least some of the disclosure is directed to subject matter for which the USPTO does not usually consider a drawing essential for a filing date.

Petitioners' assertion is well-taken. As set forth in MPEP 601.01(f), it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the application as filed reveals that it contains at least one method claim. In view of the presence of the method claim and petitioner's contention that drawings are

not necessary, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete Provisional Application" mailed May 25, 2005, was mailed in error and is hereby **withdrawn**.

Given the basis for granting this petition, the petition fee charged of $130 is being refunded to Deposit Account No. 11-0875, as authorized. (The current petition fee is $400; however, although authorized only $130 was charged).

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will **correct the filing date to May 6, 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

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
60/678,547	05/05/2005		200	NIH320.003PR	4		

CONFIRMATION NO. 8292

CORRECTED FILING RECEIPT

OC000000016390908

45311
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 06/27/2005

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)

Dimiter S. Dimitrov, Rockville, MD;

Power of Attorney: The patent practitioners associated with Customer Number **45311**.

If Required, Foreign Filing License Granted: 05/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/678,547

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

Non-Publication Request: No

Early Publication Request: No

Title

Human monoclonal antibodies against hendra and nipah viruses

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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ANDRE LANGEVIN
753-13 ST FRANCOIS
QUEBEC G1K 3A1
CANADA

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Andre Langevin :
Application No. 60/678,702 : ON PETITION
Filed: May 9, 2005 :
Title of Invention: ELECTRONIC SCALE WITH :
COMPUTER FOR IMPERIAL AND METRIC :
SYSTEM WITHOUT MEASURING LINES

This is a decision on the petition filed July 15, 2005, requesting that the above-identified application be accorded a filing date of April 26, 2005 rather than the presently accorded filing date of May 9, 2005. The instant petition is being treated under 37 CFR 1.53

The petition is DISMISSED.

Petitioner alleges that the application in the instant matter was deposited with the Canadian Mail System on April 26, 2005 for "ordinary delivery" to the USPTO. Petitioner requests that the application be accorded a filing date of April 26, 2005, the date of deposit. In support of the claim, petitioner includes with the petition a copy of the cash register receipt, dated April 26, 2005, received from the Canadian Mail System.

Pursuant to 37 CFR 1.53, a filing date is accorded upon the receipt of an application other than that sent by "Express Mail" pursuant to 37 CFR 1.10. The statutory authority for the granting of filing date based on the date of deposit for correspondence sent by "Express Mail" and received by the Office is found in section 21(a) of Title 35 of the United States Code. The specific rule for obtaining a filing date as of the date of deposit in "Express Mail" (rather than the date of receipt at the Office) is 37 CFR 1.10. However, 35 USC 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. Similarly, there are no other provisions and no benefit can be obtained for correspondence deposited in International Express Mail. *See MPEP 513.*

The petition is therefore dismissed. The date of deposit even if substantiated by the cash register receipt, cannot be accorded as the filing date because the present

application was not sent to the USPTO using the Express Mail service of the United States Postal Service, but instead was sent by the Canadian Mail System. As such, the application must be accorded the actual date of receipt in the Office, which is May 9, 2005.[1] While it is unfortunate that the application was not received in the USPTO within one year of the filing date with the Canadian Intellectual Property Office, applicant did not avail himself of the protections available under Office procedures. As such, the Office must rely on the official record, which shows that the application was received on May 9, 2005.

Furthermore, a filing date petition under 37 CFR 1.53 carries with it a requirement for a petition fee in the amount fo $400.00 and as such, this petition is deficient and cannot receive further consideration. Any request for reconsideration will need to be accompanied by the petition fee.

The application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing and the filing date will remain May 9, 2005, as accorded.

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] 37 CFR 1.8

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GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

In re Application of :
Hoang : ON PETITION
Application No.: 60/678,720 :
Filed: May 6, 2005 :
Docket No.: 73859.010200 :

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AUG 25 2005

OFFICE OF PETITIONS

This is a decision on the "FEE AND PETITION TO NOTE THAT FIG. 7/B-5 WAS DEPOSITED," filed June 17, 2005, in response to the Notice of Omitted Items in a Provisional Application ("Notice") mailed May 25, 2005.

The petition is **DISMISSED**.

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)).

The application was filed by the USPTO on May 6, 2005. The Notice indicated that the application had been accorded a filing date but that Figure 7 as described in the specification appeared to have been omitted from the application as filed.

The Notice permitted applicant to either: (1) promptly establish prior receipt in the PTO of the omitted items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)) by way of petition. The Notice further advised that failure to file a petition would result in constructive acceptance of the application as deposited.

Petitioner argues that the application as filed included Figure 7. Petitioner argues that "Fig. 7/B-5" was deposited with the provisional specification as the last page thereof and was described with the legends "Fig. 7/B-5." Petitioner has included a copy of a date stamped return postcard.

The argument and evidence submitted by petitioner have been considered, but are not persuasive. The USPTO file is the official record of the papers originally filed in this

application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

A review of the official file reveals that six sheets of drawings were received on May 6, 2005. Figure 7 was not amongst the drawing sheets received.

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

In accordance with MPEP 503, a properly itemized postcard should include applicant's name(s); title of invention; number of pages of specification, claims (for nonprovisional applications), and sheets of drawing; whether oath or declaration is included; a list of any additional forms included with the application (e.g., application transmittal form, application data sheet, fee transmittal form, and /or provisional application cover sheet); and amount and manner of paying the fee.

Petitioner's postcard fails to itemize the contents of the papers submitted May 6, 2005. Accordingly, the copy of the return postcard submitted herewith cannot serve as *prima facie* evidence of the receipt of Figure 7.

It is further noted that the copy of the drawings submitted with the instant petition include Figures 1-6, but do not contain a copy of Figure 7.

Thus, the instant application is entitled to a filing date of May 6, 2005, including only those papers present on that date.

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

By mail:

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

By 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 01-06

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JAN 24 2006

OFFICE OF PETITIONS

INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS MN 55402

In re Application of
Hartig :
Application No. 60/678,736 : DECISION ON PETITION
Filing Date: 6 May, 2005
Attorney Docket No. 44046.203.284.1 :

This is a decision on the petition filed on 17 August, 2005, and considered herein under 37 C.F.R. §1.53.

The petition is **GRANTED**.

BACKGROUND

The application was deposited on 6 May, 2005.

On 21 June, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (the Notice) stating that the application had been accorded a filing date, but that it appeared that Fig. 3, as described in the specification, had been omitted from the application.

OIPE further informed Petitioner that the alternatives available were to: accept the application as filed; file a petition and make a showing that the omitted item was deposited with the application; or submit the omitted item and accept the date of that submission as the date of filing. OIPE set a two- (2-) month period for reply.

On 17 August, 2005, Petitioner submitted the instant petition, with fee, and, inter alia, copies of the stamped receipt card (see: MPEP §503[1]) and ten (10) sheets of drawing, including that averred to be Fig. 3

A search of the official file reveals that:

- on 6 May, 2005, Petitioner deposited the instant application;

- the stamped receipt card evidences the following, in pertinent part:

* * *

1. Transmittal (1 pages)
2. Specification (14 pages)
3. Drawings (10 pages)
4. Check in the amount of $200.00
5. Return postcard

* * *

- the Office record–prior to the instant petition–reflect receipt of Figs. 1 - 2 and 4 - 10, as

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

described in the specification; and

- Petitioner now has submitted what he avers is a true copy of Fig. 3.

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including Fig. 3, as described in the specification, was deposited with the Office on 6 May, 2005, and subsequently Fig. 3 was misplaced in the Office.

Accordingly, the application, including Fig. 3, as described in the specification, is entitled to a filing date of 6 May, 2005.

The Notice mailed on 21 June, 2005, was sent in error and is hereby vacated to the extent that it stated that the application was filed omitting Fig. 3, as described in the specification.

CONCLUSION

The petition is **granted** and the petition fee waived and refunded.

This application is released to OIPE for further processing with a filing date of 6 May, 2005, for the entire application with pages 1 - 14 of the specification (description, claims and abstract) and Figs. 1 - 10, as described in the specification, using:

- **pages 1 - 14 of specification (description, claims and abstract) and Figs. 1 - 2 and 4 - 10, as described in the specification, deposited on 6 May, 2005; and**

- **Fig 3, as described in the specification, deposited on 17 August, 2005; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 6 May, 2005, and reflecting therein that 14 pages of specification (description, claims and abstract) and 10 sheets of drawings (Figs. 1 - 10), as described in the specification, were present on filing.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DOUGLAS T. JOHNSON
MILLER & MARTIN
1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA TN 37402-2289

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NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of
Steve Aninye et al.
Application No. 60/678,823
Filed: May 6, 2005
Attorney Docket No. 15906-0002

: DECISION GRANTING PETITION

This is a decision on the petition filed August 30, 2005 under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of May 6, 2005 rather than the presently accorded filing date of May 9, 2005. The petition is treated under 37 CFR 1.10(d).

Petitioner alleges that the application was deposited in Express Mail service on May 6, 2005. 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. ED028791750US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was "enroute" on May 6, 200504.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is May 6, 2005 and thus is entitled to a filing date of May 6, 2005.

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

This matter is being referred to the Office of Initial Patent Examination for a correction of the filing date to May 6, 2005, not May 9, 2005, and for the mailing of a corrected filing receipt.

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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ALAN LEONARD POCRASS
41 GOLDEN GLEN DRIVE
SIMI VALLEY, CA 93065

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MAR 2 8 2006

OFFICE OF PETITIONS

In re Application of

Alan Leonard Pocrass

Application No. 60/679,125

Filed: May 3, 2005

Attorney Docket No.

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 17, 2006, 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 May 25, 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 July 26, 2005. A Notice of Abandonment was mailed on February 3, 2006.

The claim of small entity status made February 17, 2006, 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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MAY 0 1 2006

OFFICE OF PETITIONS

DAN SCHUEPBACH
P.O. BOX 704
LA HABRA, CA 90633

In re Application of :
Daniel Millard Schuepbach :
Application No. 60/679,554 : ON PETITION
Filed: May 10, 2005 :
Attorney Docket No.

This is a decision on the petition under 37 CFR 1.181 filed on March 31, 2006, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

The application became abandoned on July 28, 2005, after no response was received to the Notice of Allowance and Issue Fee Due mailed May 27, 2005, which set shortened a shortened period for reply of two-months from its mailing date. No response was received within the allowable period, and the application became abandoned on July 28, 2005. A Notice of Abandonment was mailed on February 3, 2006.

In the instant petition, petitioner maintains that the Notice of Missing Parts of Nonprovisional Application was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> [t]he showing requires to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Although petitioner has offered a statement that petitioner's records where searched, but the Office communication was not found, petitioner did not provide a copy of petitioner's logs showing where the Office communication would have been entered if it had been received. If petitioner does not keep a log, petitioner may file a copy of the contents of the incoming correspondence petitioner has received for this application. Petitioner may also file a copy of

any calendar notations petitioner maintains relative to this patent application that may corroborate petitioner's allegation that the notice was not received. This documentation must accompany any renewed petition filed under 37 CFR 1.181(a).

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,500.00 for a large entity and $750.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form 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.

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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SMITH, GAMBRELL & RUSSELL, LLP
1850 M STREET, N.W., SUITE 800
WASHINGTON DC 20036

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Bertram et al :
Application No. 60/679,645 : DECISION GRANTING PETITION
Filed: May 11, 2005 :
Attorney Docket 034017R024P1 :
Title of Invention: Dispensing :
System With Material Spill :
Prevention System :

This is a decision on the petition filed July 13, 2005, requesting that the above-identified application be accorded a filing date of May 11, 2005, with drawings containing figure 23 as part of the original disclosure.

The petition is **GRANTED**.

The application was filed on May 11, 2005. However, on May 26, 2005, 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 of May 11, 2005 but figure 23 described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 23 as described in the specification was filed on May 11, 2005. In support, the petition is accompanied by a copy of figure printed from the PAIR website.

A review of the original application papers reveals that the drawings received in the Office on May 11, 2005 contained figure 23. Figure 23 is located on the same page as figure 17. Accordingly, the Omitted Parts section in the Notice to File Missing Parts mailed May 26, 2005 was sent in error.

The petition fee will be refunded.

Since original figure 23 has been located in the Office, figure 23 supplied on May 11, 2005, will be used for processing and examination purposes.

Deposit account no. 02-4300 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 May 11, 2005, using the drawings, including figure 23 supplied on May 23, 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 & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 8/10/05 | 2 Serial/Patent # 60,679,645

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
✓	Petition		7/13/05	$ 400
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND: $ 400

8 TO BE REFUNDED BY:

- [ ] Treasury Check
- [ ] Credit Deposit A/C #: 9 02--4308

10 REASON:

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

Pet. Granted

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: CHARLENA [illegible] TITLE: atty

SIGNATURE: [signature] PHONE: X-3215

OFFICE: [illegible]

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [signature] DATE: 8/10/05

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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Commissioner for Patents
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Bereskin & Parr
40 King Street West
40th Floor
Toronto, Ontario
CANADA M5H 3Y2

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SEP 28 2006
OFFICE OF PETITIONS

In re Application of :
Abouatallah, et al. :
Application No. 60/679,663 : ON PETITION
Filed: May 11, 2005 :
Attorney Docket No. HYG-500 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 24, 2006, 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 May 26, 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 July 27, 2005. A Notice of Abandonment was mailed on February 3, 2006.

The response to the Notice to File Missing Parts of Provisional Application filed March 24, 2006, in the form of payment of the filing fee and surcharge is noted and made of record.

Petitioner is advised that the provisional application term of one-year from its filing date expired on May 12, 2006. The application is again abandoned by operation of law.

The "Power of Attorney and Correspondence Address Indication Form" filed March 24, 2006, 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
Petitions Attorney
Office of Petitions

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

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AUG 0 9 2005

OFFICE OF PETITIONS

In re Application of :
DesJardin, et al. : ON PETITION
Application No. 60/679,818 :
Received: July May 10, 2005 :
Docket No.: 022140-000400US :

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION," filed June 10, 2005. This matter is being treated as a petition to accord the above-identified application a filing date of May 10, 2005 and to have figures 1-3 considered part of the application papers as originally filed.

The petition is **GRANTED**.

The application was filed May 10, 2005. The Notice mailed May 25, 2005 indicated that the application had been accorded a filing date but that figures 1-3 described in the specification appeared to have been omitted from the application as filed.

The Notice permitted applicant to either: (1) promptly establish prior receipt in the PTO of the omitted items 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 items in question were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

In response to the Notice, petitioners assert that the application as filed included figures 1-3 and has included as

proof of submission and receipt of the referenced figures a copy of a stamped receipt acknowledging USPTO receipt of the drawing sheets, among other items.

The arguments and evidence submitted by petitioner have been considered and found persuasive. Accordingly, the Notice mailed May 25, 2005 is hereby **WITHDRAWN** and the petition to accord the application a filing date of May 10, 2005 is **GRANTED**.

Since the original figures 1-3 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. A refund of the previously submitted petition fee of $400.00 has been requested on petitioners' behalf from the Finance Office, Refund Section.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of May 10, 2005 with figures 1-3 a part of the application as filed.

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

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
60/679,905	05/10/2005		100	34499/US/2/RFT	1		

CONFIRMATION NO. 5750

32940
DORSEY & WHITNEY LLP
555 CALIFORNIA STREET, SUITE 1000
SUITE 1000
SAN FRANCISCO, CA 94104

CORRECTED FILING RECEIPT

OC000000016802001

Date Mailed: 08/18/2005

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)

Ayyappan K. Rajasekaran, Los Angeles, CA;
Jason J. Christiansen, Los Angeles, CA;

Power of Attorney:

Traci Ropp--44307

If Required, Foreign Filing License Granted: 05/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/679,905

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods of targeting PSMA to detect and treat cellular proliferative disease

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 Office of Export Administration, Department of Commerce (15 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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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
400 EAST TOWER
WASHINGTON DC 20005

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AUG 15 2006

OFFICE OF PETITIONS

In re Application of
Henne et al.
Application No. 60/679,980
Filed: May 12, 2005
Title of Invention: Sub-Scale Sonic Boom Modeling

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b) filed May 12, 2006 to revive the above-identified application.

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 May 26, 2005. 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 July 27, 2005. A Notice of Abandonment was mailed on February 3, 2006.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

The Office acknowledges receipt of the provisional application cover sheet which identifies the inventors and residences of the inventors for the above-identified application.

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.

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/680,222	05/12/2005		100	MORN-0035PRO(108347.00086	4		

CONFIRMATION NO. 6540

CORRECTED FILING RECEIPT

25555
JACKSON WALKER LLP
2435 NORTH CENTRAL EXPRESSWAY
SUITE 600
RICHARDSON, TX 75080

OC000000016954702

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)

Maurice Clarence Kemp, Gold River, CA;
David Lewis, Eau Claire, WI;

Power of Attorney:

Tek Ling Chwang--33590

If Required, Foreign Filing License Granted: 06/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/680,222

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Antimicrobial matrix

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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JACKSON WALKER LLP
2435 NORTH CENTRAL EXPRESSWAY
SUITE 600
RICHARDSON TX 75080

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SEP 14 2005

OFFICE OF PETITIONS

In re Application of
Kemp et al.
Application No.60/680,222
Filed: May 12, 2005
Attorney Docket Number: MORN-0035PRO
(108347.00086
Title of Invention: Antimicrobial Matrix

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed on August 23, 2005, requesting that the above-identified application be accorded a filing date of May12, 2005, rather than the presently accorded filing date of May 11, 2005.

Petitioner contends the application was deposited in Express Mail service on May 12, 2005. In support, petitioner supplied a copy of Express Mail receipt No. EV312947625US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was accepted by the United States Postal Service on May 12, 2005.

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

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **May 12, 2005**. It is noted a corrected Filing Receipt has been mailed.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON MA 02205

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JUN 23 2005

OFFICE OF PETITIONS

In re Application of :
Richard J. McAvoy et al. :
Application No. 60/680,403 : ON PETITION
Filed: May 12, 2005 :
Attorney Docket No. 63067P(30471) :

This is a decision on the Petition under 37 CFR 1.181(f) to Accept Figure 6B, filed June 10, 2005, which is treated under 37 CFR 1.182.

The petition is **DISMISSED**.

On May 12, 2005, the application was filed. On June 6, 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 May 12, 2005, but that Figure 6B described in the specification appeared to have been omitted.

In response, petitioner explains that no figures were missing on May 12, 2005. Instead, the petition argues that Figure 6, as labeled, comprises Figure "A" and Figure "B" and admits that the drawing was mislabeled. A copy of the same sheet of drawing submitted upon application was submitted with the petition.

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 page(s) or drawing(s), is not available.[1] As such, if petitioners desire to have the page containing Figure 6 to reflect that Figure 6 should be Figures 6A and 6B, petitioners

[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.

should simply file a new completed provisional application.

The application will be processed and examined using the application papers filed on May 12, 2005.

The present petition was not necessitated by any error on the part of the upon filing of Office therefore, the petition fee in the amount of $400.00 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 May 12, 2005 including the mislabeled drawing of Figure 6.

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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ABELMAN FRAYNE & SCHWAB
ATTORNEYS AT LAW
150 EAST 42ND ST
NEW YORK NY 10017

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NOV 0 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Bentley, et al.	:	
Application No. 60/680,625	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 206,912	:	

This is a decision on the petition filed June 16, 2005, to accord the above-identified application a filing date of May 13, 2005.

The petition is **GRANTED**.

The application was deposited on May 13, 2005. However, on June 6, 2005, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application", notifying applicants that the application papers had been deposited without drawings, and stating that the filing date of the application would be the date of receipt of the omitted drawings.

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

MPEP 601.01(f) also states that:

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

The instant provisional application contains method claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

In view of the above, the "Notice of Incomplete Provisional Application" mailed June 6, 2005 was mailed in error and is hereby **withdrawn**.

As the instant petition was due to USPTO error, the $130 petition fee has not been charged.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of May 13, 2005, and for indication on the file wrapper label to show that "0" sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/680,633	05/13/2005		200	050806P1	1		

CONFIRMATION NO. 7831

CORRECTED FILING RECEIPT

OC000000016550826

23696
Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

Date Mailed: 07/18/2005

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)

Sumeet S. Sethi, San Diego, CA;
Viji Raveendran, San Diego, CA;

Power of Attorney:

Milan Patel–41242

If Required, Foreign Filing License Granted: 06/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/680,633

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

Non-Publication Request: No

Early Publication Request: No

Title

Application layer interactions and error signaling

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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Michael J. Hennessy
MTECH Laboratories
Bldg. 45C
831 Rte. 67
Ballston Spa NY 12019

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AUG 21 2006

OFFICE OF PETITIONS

In re Application of
Gubser et al.
Application No. 60/680,720
Filed: May 13, 2005
Title of Invention: Integrated Power Electronics For All-Superconducting Motors

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b) filed May 12, 2006 to revive the above-identified application.

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 June 24, 2005. 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 August 25, 2005. A Notice of Abandonment was mailed on March 17, 2006.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

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.

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

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/680,783	05/12/2005		450	A-1010-P			

CONFIRMATION NO. 9287

CORRECTED FILING RECEIPT

OC000000016285892

21069
AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

Date Mailed: 06/15/2005

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

Applicant(s)

Anthony W. Bannon, Moorpark, CA;
Klaus D. Beck, Newbury Park, CA;
James J.S. Treanor, San Carlos, CA;

Power of Attorney:

Richard Person--42991

If Required, Foreign Filing License Granted: 06/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/680,783

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

Non-Publication Request: No

Early Publication Request: No

Title

Treatment of VR1-antagonist-induced increase in body temperature with an antipyretic agent

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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300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Vogel et al.	:	
Application No. 60/680,939	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. DFC-P0024	:	

This is a decision on the petition filed June 20, 2005, requesting that the above-identified application be accorded a filing date of May 13, 2005, rather than the presently accorded date of May 12, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d).

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 May 13, 2005, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 461294128 US showing an incorrect handwritten "date-in" of "May 12, 2005." The same Express Mail receipt number appears on the original "Provisional Application For Patent Cover Sheet." The Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated May 13, 2005. Applicant has also submitted a copy of the Pick Up Service Statement, showing the date of pickup as "May 13, 2005," which includes Express Mail label No. EV 461294128 US. Additionally, applicant has submitted a copy of the Track & Confirm record showing that the package in question was accepted on May 13, 2005, at 6:23 p.m. at the Indianapolis, IN USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on May 13, 2005. Accordingly, the instant application is entitled to a filing date of May 13, 2005 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee. Accordingly, the $130.00 petition fee collected will be credited to petitioner's deposit account as authorized.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of May 13, 2005, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SEP 30 2005

OFFICE OF PETITIONS

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON MA 02109

In re Application of :
N/A :DECISION GRANTING FILING
Application No. 60/681,645 :DATE OF **May 16, 2005**
Filed:May 16, 2005 :
Attorney Docket No. BBI-224-1 :

This is a decision on the petition filed June 9, 2005, requesting that the above-identified application be accorded a filing date of May 16, 2005 rather than the presently accorded date of May 17, 2005.

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 May 16, 2005 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV466147665US showing a stamped date of May 16, 2005 in Boston Ma., the Date-In is also May 16, 2005. 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 May 16, 2005.

The petition is **granted**.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **May 16, 2005** and for mailing of a corrected filing receipt.

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
60/681,937	05/17/2005		500	0214-0007	29		

CONFIRMATION NO. 4848

33297
BEEM PATENT LAW FIRM
53 W. JACKSON BLVD., SUITE 1352
CHICAGO, IL 60604-3787

UPDATED FILING RECEIPT

OC000000016456872

Date Mailed: 07/06/2005

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)

Kim C. Meyers, Evanston, IL;

Power of Attorney:

Roger French--27786

If Required, Foreign Filing License Granted: 06/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/681,937

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Problem solving process based computing

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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LAW DEPT
P O BOX 359
825 E WISCONSIN AVE
APPLETON, WI 54912

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JUN 29 2005

OFFICE OF PETITIONS

In re Application of :
Fisher, et al. : DECISION ON PETITION
Application No. 60/682,003 :
Filed: May 17, 2005 :
Atty. Dkt. No.: 6592 :

This decision is in response to the "PETITION TO THE DIRECTOR TO ACCORD May 17, 2005 FILING DATE TO U.S. EXPRESS MAILED PROVISIONAL APPLICATION 37 C.F.R. 1.10(c)," filed June 2, 2005.

Petitioners allege that the application was deposited in Express Mail service May 17, 2005. As supporting evidence, petitioner has provided a copy of an Express Mail label bearing tracking number EU871717547US (the same Express Mail number found on the application transmittal letter accompanying the original application papers located in the official file) and a "date-in" of May 17, 2005.

In view of the above, the petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of May 17, 2004 is hereby **GRANTED**.

No fee is due in connection with this petition.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of May 17, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OPTELLIOS, INC
SUITE 100
2260 CABOT BLVD. WEST
LANGHORNE PA 19047

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AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Jay S. Patel et al. :
Application No. 60/682,004 : DECISION GRANTING PETITION
Filed: May 18, 2005 :
Attorney Docket No. 8001-P-0040 :

This is a decision on the petition filed July 12, 2005, under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of May 18, 2005.

The petition is **GRANTED**.

The application was filed on May 18, 2005, without drawings. Accordingly, on June 14, 2005, 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 was filed wherein it is argued that drawings are not necessary for an understanding of the subject matter sought to be patented, and requests that the application be accorded a filing date of May 18, 2005.

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 June 14, 2005, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of May 18, 2005, without drawings as a part of the original disclosure. The petition fee of $130.00 paid with the present petition will be refunded in due course. Petitioner should be advised however, for future references that effective November 22, 2004, the fee was increased to $400.00.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to May 18, 2005, 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
Senior Petitions Attorney
Office of Petitions

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FOLEY & LARDNER, LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

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JAN 18 2006

OFFICE OF PETITIONS

In re Application of :
Chao Zhang et al. :
Application No. 60/682,051 : ON PETITION
Filed: May 17, 2005 :
Attorney Docket Number: 039363-2180 :

This is a decision on the petition filed August 16, 2005, under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of May 17, 2005, instead of the presently accorded filing date of May 19, 2005.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on May 17, 2005, pursuant to the requirements of 37 CFR 1.10.

Petitioners acknowledge that the date of the deposit in Express Mail shown on petitioners' Express Mail receipt is May 19, 2005, but argue that the application was actually deposited with the USPS on May 17, 2005.

In support, petitioners have provided a copy of Express Mail Customer label No. EV636072147US (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 May 19, 2005 but with a postmark of May 17, 2005 and a copy of the register receipt with a postage date of May 17, 2005, which corroborates that an item bearing Express Mail Label No. EV636072147US was accepted by the USPS on May 17, 2005. In view thereof, it is concluded that the correct date of deposit in Express Mail service is May 17, 2005. Therefore, the application is entitled to a filing date of May 17, 2005.

The petition is **GRANTED**. In view thereof, no petition fee is due and none has been charged.

The application is being returned to Office of Initial Patent Examination for further processing with a filing date of May 17, 2005, not May 19, 2005.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/682,051	05/17/2005		100	039363-2180			

CONFIRMATION NO. 5743

CORRECTED FILING RECEIPT

OC000000017891696

30542
FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

Date Mailed: 01/23/2006

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)

Chao Zhang, Moraga, CA;
Prabha N. Ibrahim, Mountain View, CA;
Rebecca Zuckerman, Alameda, CA;
Dean R. Artis, Kensington, CA;
Ryan Bremer, Albany, CA;
Wayne Spevak, Berkeley, CA;

Power of Attorney: The patent practitioners associated with Customer Number **30542**.

If Required, Foreign Filing License Granted: 06/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/682,051

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

Compounds modulating C-FMS activity and uses therefor

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY, MI 48007-7021

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JUL 20 2005

OFFICE OF PETITIONS

In re Application of:
Wong et al.
Application No. 60/682,084
Filed: July 6, 2005
For: WINDOW ASSEMBLY FOR HORSE TRAILER

DECISION ON PETITION

This is a decision on the Petition Under 37 CFR 1.53(c), filed July 6, 2005.

The application was filed on July 6, 2005. However, on June 8, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") stating that the application had been accorded a filing date of March 11, 2005, and advising applicants that Figure 8 described in the specification appeared to have been omitted from the application.

In response, the present petition was filed. The petition is accompanied by drawing Figure 8. Applicant asserts that drawing Figure 8 was included among the original application papers filed on July 6, 2005, but that the drawing Figure was simply not labeled. *Petition* at p.1.

Office records are the official file evidencing what was received in the application on July 6, 2005. A review of the file renders it obvious from the petition that no drawing was actually missing on July 6, 2005. Rather, the drawing of Figure 8 was simply not labeled as a result of Petitioner's filing error. However, the "Notice Of Omitted Item(s)" mailed April 8, 2005, was correct in stating that Figure 8 described in the specification appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn.

The petition is dismissed.

Since the present petition was not necessitated by any error on the part of the Office, the petition fee will not be refunded.

Applicant is also advised that no Amendment is permitted in a provisional application after it receives a filing date. MPEP 608.04.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 6, 2005, using the sheets of drawings filed on that date.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

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ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY, MI 48007-7021

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AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of: :
Wong et al. : CORRECTED
Application No. 60/682,084 : DECISION ON
Filed: May 18, 2005 : PETITION
For: WINDOW ASSEMBLY FOR HORSE :
TRAILER :

This is a decision on the Petition Under 37 CFR 1.53(c), filed July 6, 2005.

The application was filed on May 18, 2005. However, on June 8, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") stating that the application had been accorded a filing date of May 18, 2005, and advising applicants that Figure 8 described in the specification appeared to have been omitted from the application.

In response, the present petition was filed. The petition is accompanied by drawing Figure 8. Applicant asserts that drawing Figure 8 was included among the original application papers filed on July 6, 2005, but that the drawing Figure was simply not labeled. *Petition* at p.1.

Office records are the official file evidencing what was received in the application on May 18, 2005. A review of the file renders it obvious from the petition that no drawing was actually missing on May 18, 2005. Rather, the drawing of Figure 8 was simply not labeled as a result of Petitioner's filing error. However, the "Notice Of Omitted Item(s)" mailed April 8, 2005, was correct in stating that Figure 8 described in the specification appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn.

The petition is dismissed.

Since the present petition was not necessitated by any error on the part of the Office, the petition fee will not be refunded.

Applicant is also advised that no Amendment is permitted in a provisional application after it receives a filing date. MPEP 608.04.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 18, 2005, using the sheets of drawings filed on that date.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/682,342	05/18/2005		200	4272-101 PRV	2		

CONFIRMATION NO. 6885

23448
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

CORRECTED FILING RECEIPT

OC000000017532226

Date Mailed: 11/28/2005

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 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)

Charles Hustig, The Villages, FL;

Power of Attorney:

Steven Hultquist--28021
Marianne Fuierer--39983
Vincent Gustafson--46182
Tristan Fuierer--52926

If Required, Foreign Filing License Granted: 06/03/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/682,342

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

Non-Publication Request: No

Early Publication Request: No

Title

Digital BTSC multi-channel TV sound decoder circuit, and decoder comprising same

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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 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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KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA, GA 30309

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AUG 23 2006

OFFICE OF PETITIONS

In re Application of :
:
Application No. 60/682,655 : ON PETITION
Filed: May 18, 2005 :
Attorney Docket No. 18085.105340 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 30, 2006, 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 July 1, 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 September 2, 2005.

The petition for extension of time is not accepted. An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $2160 extension of time submitted with the petition on March 30, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and is being credited to petitioner's deposit account.

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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NOVO NORDISK INC
PATENT DEPARTMENT
100 COLLEGE RD WEST
PRINCETON NJ 08540

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SEP 2 1 2005

OFFICE OF PETITIONS

In re Application of :
Ludvigsen, et al. :
Application No. 60/682,724 : DECISION ON PETITION
Filed: May 19, 2005 :
Attorney Docket No. 7001.033-US :

This is in response to the petition under 37 CFR 1.53, filed July 21, 2005, to accord the above-identified application a filing date of May 19, 2005.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on May 19, 2005. However, on June 8, 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 specification was missing and the application was deposited without drawings.

In response, applicants filed the instant petition. Accompanying the petition was a copy of 18 sheets of drawings. Applicants maintain that the application as originally filed included these drawings. In support thereof, applicants submitted a postcard receipt identifying this application, itemizing "18 sheets of drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of May 19, 2005, and lacking any notation of non receipt of any item listed.

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

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 14-1447.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of May 19, 2005, using the 18 sheets of drawings as resupplied on petition filed July 21, 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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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Firroz Rasouli :
Application No. 60/682,854 :
Filed: May 20, 2005 :
Attorney Docket No. 021238-735 :

DECISION GRANTING PETITION

This is a decision on the petition filed June 16, 2005, to accord the above-identified application a filing date.

On May 20, 2005, the application was deposited.

On June 8, 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 Claims 13, 18, 19, 20, 21 are method claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

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

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of May 20, 2005. **A filing receipt should be issued reflecting the application filing date of May 20, 2005.**

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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NORTEL NETWORKS LIMITED
IP LAW GROUP MS E65-60-104
600 TECHNOLOGY PARK DRIVE
BILLERICA MA 01821

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OFFICE OF PETITIONS

In re Application of :
Koehler et al. : DECISION ON PETITION
Application No. 60/682,878 :
Filed: 20 May, 2005 :
Atty Docket No. 17774HUUS01P :

This is a decision on the petition under 37 CFR 1.53(e), filed on 29 June, 2005, requesting that the above-identified provisional application be accorded a filing date of 20 May, 2005.

The petition is **granted.**

The instant provisional application papers as filed consisted of 31 pages of specification (text) also containing drawings. On 8 June, 2005, however, the Office of Initial Patent Examination sent a Notice of Incomplete Application stating that the application had been deposited without drawings, and that the filing date would be the date of receipt of the missing drawings.

In reply, the present petition was filed on 29 June, 2005. Petitioners assert that since drawings were present in the papers received in the USPTO on 20 May, 2005, albeit 31 pages containing the specification, this application should be accorded that date as the filing date.

Pursuant to 35 USC 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 USC 112 ¶ 1, and a drawing as prescribed by 35 USC 113. 37 CFR 1.53(c)(1) also requires the inclusion of a cover sheet pursuant to 37 CFR 1.51(c)(1), a condition clearly met herein on 20 May, 2005, as was the submission of the filing fee required by 35 USC 41. All conditions for obtaining a filing

date in this provisional application were clearly met on 20 May, 2005.

Under the facts of this case, this provisional application is entitled, for a filing date, to the date of receipt of the 31 pages of specification that also contained drawing 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. The Notice of 8 June, 2005, was mailed in error and is vacated.

The petition fee is unnecessary, a refund of the petition fee by treasury check will be scheduled.

This provisional application is being forwarded to the Office of Initial Patent Examination (OIPE), Customer Corrections, for further processing with a filing date of 20 May, 2005.

Telephone inquiries specific to this decision should be directed to the undersigned at 571.272.3231. Inquiries related to OIPE processing should be directed to OIPE at 703.308.1202.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 1450
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VAN DYKE, GARDNER, LINN AND BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E.
P.O. BOX 888695
GRAND RAPIDS, MI 49588-8695

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Shawn G. Orr :
Application No. 60/682,886 :
Filed: February 12, 2004 : ON PETITION
Attorney Docket Number: :
VIK01 P-354 :

This is a decision on the Petition Under 37 C.F.R. 1.53, filed April 4, 2005, requesting the application be accorded a filing date of February 12, 2004.

The petition is **granted**.

Applicant files the instant petition wherein Applicant avers that the above-identified application was filed on February 12, 2004 in the Office of Licensing and Review. In support of this assertion, Applicant provides a copy of an itemized return postcard that is faded and not very legible, but that appears to have a date stamp indicating that the application, including 10 pages of specification and five (5) sheets of drawings, was received in Licensing and Review on February 12, 2004. Applicant has also filed with the petition a copy of a License for Foreign Filing for this application from this Office dated February 12, 2004.

In view of the above, Applicant has demonstrated by a preponderance of the evidence that the above-identified application was received in this Office on February 12, 2004.

A refund of the petition fee to deposit account 22-0190 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 February 12, 2004, using the 10 pages of specification and 5 sheets of drawings filed with the instant petition.

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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Gregory B. Gulliver
10th Flr., #A768
28 E. Jackson
Chicago IL 60606

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APR 27 2006

OFFICE OF PETITIONS

In re Application of :
Brask et al. :
Application No. 60/683,142 : ON PETITION
Filed: May 20, 2005 :
Attorney Docket No. BV05001USV :
Title of Invention: Point of Purchase Merchandise :
Display System

This is a decision on the petition under 37 CFR §1.181 filed March 23, 2006 to withdraw the holding of abandonment. The petition was supplemented on April 4, 2006.

The petition is **Granted**.

A Notice to File Missing Parts was mailed on June 13, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 14, 2005. A Notice of Abandonment was mailed on February 22, 2006.

Petitioner asserts that the Notice to File Missing Parts mailed on June 13, 2005 was never received. A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts was not in fact received.

Accompanying the petition is a statement by the practitioner stating the Notice to File Missing Parts was not received and attesting to the fact that a review of docket records indicates the Notice to File Missing Parts was not received. In addition a copy of docket records has been

provided. Accordingly, petitioner has provided sufficient information to warrant the withdrawal of the Notice.

This application is being forwarded to Office of Initial Patent Examination for re-mailing of the Notice of Missing Parts of Provisional Application.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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1981 MCGILL COLLEGE AVENUE
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SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Noel, et al. :
Application No. 60/683,339 : ON PETITION
Filed: 23 May, 2005 :
Attorney Docket No. 17443-1USPR DOP/FD :

This is a decision on the petition filed on 28 June, 2005, improvidently filed under 37 C.F.R. §1.17(f), and properly considered under 37 C.F.R. §1.53,[1] to obtain a filing date of 23 May, 2005, for Fig. 3, as describe in the specification of the instant application.

For the reasons set forth below, the petition is **GRANTED**.

NOTE: Petitioner is requested to place all contact information–including telephone contact number(s)–on papers filed with the Office.

BACKGROUND

After this application was deposited on 23 May, 2005:

- on 9 June, 2005, the Office mailed a Notice of Omitted Items (The Notice) stating that, while the application had been accorded a filing, it appeared that Fig. 3, as described in the specification had been omitted. OIPE indicated that Petitioner might: contend via petition

[1] This was confirmed in a telephone conversation of 9 September, 2005, with Michel Berlanger (Reg. No. 38,015) of Petitioner Isabelle Chabot's (Reg. No. 764) office, while Ms. Chabot is away on maternity leave.

that the pages in question had been submitted, submit the omitted figure and accept the date of submittal as the filing date, or accept the application without the omitted figure, and OIPE set a two- (2-) month period for reply;

- Petitioner filed the instant petition (with fee) on 28 June, 2005, with, *inter alia*, a copy of the date-stamped ("May 23 2005–OIPE * * *") receipt card (see: MPEP §503[2]), a copy of the Fig. 3 as averred to have been filed, and, in effect, a request for a filing date of 23 May, 2005, for Fig. 3, along with the balance of the application previously acknowledged.

Analysis

A search of the official file reveals that:

- on 23 May, 2005, Petitioner deposited the instant application;

- the date-stamped receipt card evidences the following, in pertinent part:

---

[2] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

* * *

x specification having 15 pages containing 10 claims
x 16 sheets of FORMAL drawings

* * *

Before the instant filing, the Office record contained a specification with 12 pages of description, 2 pages of claims and 1 page of abstract, for a total of 15 pages, and 15 sheets of drawings, to wit: Figs. 1 -2 , and 4 -16, sequentially numbered.

The single sheet of drawings submitted by Petitioner with the instant petition is numbered Fig. 3.

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including Fig. 3, as described in the specification, was deposited with the Office on 23 May, 2005, and the Fig. 3 as described in the specification subsequently was misplaced in the Office.

Accordingly, the application, including Fig. 3, is entitled to a filing date of 23 May, 2005.

The Notice mailed on 9 June, 2005, was sent in error and is hereby vacated to the extent that it stated that the application was filed omitting Fig. 3.

CONCLUSION

The petition is **granted** and the petition fee waived and refunded.

This application is released to OIPE for further processing with a filing date of 23 May, 2005, for the entire application with pages 1 - 15 of the specification (description, claims and abstract) and 16 sheets of drawings, and in particular for Fig. 3, all as described in the specification, using:

- **pages 1 - 15 of specification (description, claims and abstract) and 15 sheets of drawings (Figs. 1 -2 and 4 -16) deposited on 23 May, 2005; and**

- **Fig. 3, as described in the specification deposited on 28 June, 2005; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 23 May, 2005, and reflecting therein that 15 pages of specification (description, claims and abstract) and 16 sheets of drawings were present on filing.

Telephone inquiries specific to 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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JAN 18 2006

OFFICE OF PETITIONS

In re Application of :
Peggy Dorothy Sands et al. :
Application No. 60/683,356 :
Filed: May 23, 2005 : DECISION DISMISSING PETITION
Attorney Docket No. 6568 :

This is a decision on the petition filed June 3, 2005 under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of May 20, 2005, instead of the presently accorded filing date of May 23, 2005.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on May 20, 2005, pursuant to the requirements of 37 CFR 1.10. Petitioner submitted, *inter alia*, a copy of the post card receipt, date stamped by the USPTO and a copy of the application transmitall sheet which bears the"Express Mail" tracking number EV871717555US but petitioner has not submitted a copy of the Express Mail mailing label as required for a petition under 37 CFR 1.10(c).

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 (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

[1] See 37 CFR 1.6(a).

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.

A grantable petition under 37 CFR 1.10(c) 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 have not provided a true copy of the "Express Mail" customer label nor explained why a copy of the Express Mail customer label showing the "date in" has not been provided. In fact, the petition indicates that the "Express Mail" customer label accompanies the petition, but no such "Express Mail" customer label was found to be included. Our records show five pages as the filing on June 3, 2005 which is the two page petition, one page postcard receipt and two page application transmittal. Any renewed petition must be accompanied by a copy of the Express Mail label showing the "date in" as completed by the USPS.

Accordingly, the petition is **DISMISSED**.

The application has been accorded a filing date of May 23, 2005 and no evidence has been submitted to accord any other filing date other than May 23, 2005. This matter is therefore being referred back to the Office of Initial Patent Examination.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/683,378	05/19/2005		125	016440-9001-00	4		

CONFIRMATION NO. 9908

UPDATED FILING RECEIPT

OC000000016758819

23510
MICHAEL BEST & FRIEDRICH, LLP
ONE SOUTH PINCKNEY STREET
P O BOX 1806
MADISON, WI 53701

Date Mailed: 08/11/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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 Roesslhumer, Sun Prairie, WI;

Power of Attorney:

Christopher Austin--41592

If Required, Foreign Filing License Granted: 06/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/683,378

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Seal and sealing method

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 Office of

Export Administration, Department of Commerce (15 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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MIHAI A. MARGARIT
5445 SONOMA PLACE
SAN DIEGO, CA 92130

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OFFICE OF PETITIONS

In re Application of Margarit :
Application No. 60/683,410 :
Filing Date: May 23, 2005 :
For: Transmit Modulator With Pollar Loop for WCDMA and GSM/EDGE Applications :

Decision on Petition

This is a decision on the petition filed April 25, 2006, 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 May 23, 2005, along with $125.

The filing fee required for the application was $200.

A Notice to File Missing Parts was mailed June 9, 2005. The Notice required payment of the $75 deficiency along with payment of the $50 surcharge required when the filing fee is paid on a date after the application has been filed.

On or before February 22, 2006, the file record was reviewed and the Office failed to find any reply to the Notice to File Missing Parts. As a result, a Notice of Abandonment was mailed February 22, 2006.

Petitioner asserts a timely reply was filed in response to the Notice to File Missing Parts.

Petitioner has provided a copy of an Express Mail label indicating mail was sent to the Office on July 26, 2005. Petitioner has provided a copy of information from the USPS indicating mail from petitioner was received at the USPTO at 8:38 am on July 27, 2005.

A review of Office records indicates petitioner has only filed three applications, including the instant application. The first application issued as a patent June 25, 2002. The maintenance fee was paid December 27, 2005. The second application was a provisional application which expired April 1, 2005.

Discussion:

Petitioner has failed to provide a copy of any of the documentation filed during July of 2005. The full merits of the petition cannot be considered without a copy of the documentation. For example, the Office is unable at this time to verify the documentation listed the correct provisional application number. Any request for reconsideration should include a copy of all correspondence filed in reply to the Notice to File Missing Parts.

Petitioner has failed to indicate if the check mailed during July of 2005 was "cashed" by the Office. Petitioner should inform the Office whether or not the check was cashed. In addition, a copy of the check should be provided.

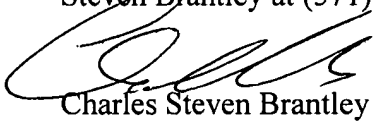
Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARD W CALLAN
NO. 705 PMB 452
3830 VALLEY CENTRE DRIVE
SAN DIEGO, CA 92130

COPY MAILED

JAN 25 2007

OFFICE OF PETITIONS

In re Application of Margarit :
Application No. 60/683,410 : Decision on Petition
Filing Date: May 23, 2005 :
Attorney Docket No. 178-2 :

This is a decision on the renewed petition filed September 5, 2006, 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 May 23, 2005, along with $125.

The filing fee required for the application was $200.

A Notice to File Missing Parts was mailed June 9, 2005. The Notice required payment of the $75 deficiency along with payment of the $50 surcharge required when the filing fee is paid on a date after the application has been filed.

On or before February 22, 2006, the file record was reviewed and the Office failed to find any reply to the Notice to File Missing Parts. As a result, a Notice of Abandonment was mailed February 22, 2006.

Petitioner asserts a timely reply was filed in response to the Notice to File Missing Parts.

Petitioner has provided a copy of an Express Mail label indicating mail was sent to the Office on July 26, 2005. Petitioner has provided a copy of information from the USPS indicating mail from petitioner was received at the USPTO at 8:38 am on July 27, 2005.

A review of Office records indicates petitioner has only filed three applications, including the instant application. The first application issued as a patent June 25, 2002. The maintenance fee was paid December 27, 2005. The second application was a provisional application which expired April 1, 2005.

Petitioner has provided a carbon copy of a check for $125 petitioner states was mailed to the Office on July 26, 2005. The application number is not listed on the check. The check references the confirmation number for the application - "CONF. NO. 1692." A copy of the Notice to File Missing Parts was filed with the check. Petitioner did not file a cover letter with the application papers.

Petitioner states the check was not cashed but was returned to petitioner.

Petitioner has provided a copy of a Notice of Missing Parts including partially illegible hand-written notations. The Notice appears to contain, in part, the following words or phrases:

(1) "CALLED 10/13/05",
(2) "CASHED",
(3) "CHECK", and
(4) "Rick".

Discussion:

Petitioner states the check was returned by the USPTO. Petitioner should provide a copy of any paper(s) accompanying the returned check. Such a paper would demonstrate the PTO received the check since the PTO could not return a check it had never received.

Petitioner has failed to explain the reason the check was returned. Absent evidence otherwise, the Office presumes any check returned to an applicant was returned due to insufficiencies in the check or the papers filed with the check. Any request for reconsideration should provide an explanation for the return of the check.

Petitioner should explain the delay in the filing of a petition to withdraw the holding of abandonment. The hand-written language on the Notice of Missing Parts implies the check was returned to petitioner on *or before* October 13, 2005. Why did petitioner fail to take any steps upon receiving the returned check?

Since the check for $125 was returned, any request for reconsideration must be accompanied by a new check for $125.

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 1.181."

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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARD W CALLAN
NO. 705 PMB 452
3830 VALLEY CENTRE DRIVE
SAN DIEGO, CA 92130

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AUG 0 9 2007

OFFICE OF PETITIONS

In re Application of Margarit :
Application No. 60/683,410 : Decision on Petition
Filing Date: May 23, 2005 :
Attorney Docket No. 178-2 :

This is a decision on the renewed petition filed March 27, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of June 9, 2005, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before August 9, 2005. A Notice of Abandonment was mailed on February 22, 2006.

Petitioner has proven a timely reply in the form a check for $125 was filed July 27, 2005. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Initial Patent Examination will be informed of the instant decision and the application will be prepared for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/683,471	05/20/2005		450	674580-2021	8		

CONFIRMATION NO. 2935

Thomas J. Kowalski
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

CORRECTED FILING RECEIPT

OC000000016346318

Date Mailed: 06/22/2005

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 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)

Nicola Brice, Cambridge, UNITED KINGDOM;
John Dixon, Cambridge, UNITED KINGDOM;
Alan Hendrick, Cambridge, UNITED KINGDOM;
Isabelle Malinge, Cambridge, UNITED KINGDOM;
Sophie Messager, Cambridge, UNITED KINGDOM;
Dirk Zahn, Cambridge, UNITED KINGDOM;

Power of Attorney:

Thomas Kowalski--32147
Angela Collison--51107

If Required, Foreign Filing License Granted: 06/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/683,471

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

Non-Publication Request: No

Early Publication Request: No

Title

Receptor

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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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CHRISTIE, PARKER & HALE, LLP
P.O. Box 7068
Pasadena, CA 91109-7068

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OCT 13 2005

OFFICE OF PETITIONS

In re Application of :
David Gian-The Ho :
Application No. 60/683,684 : DECISION GRANTING
Filed: May 23, 2005 : PETITION
Attorney Docket No. 55188/RRT/H488 :

This is a decision on the petition filed July 18, 2005, requesting that the above-identified application be accorded a filing date of May 23, 2005, rather than the presently accorded date of May 24, 2005.

Petitioner alleges that the application was picked up by a U.S. Postal Service employee, for Express Mail Service delivery, on May 23, 2005. In support, the petition is accompanied by a copy of the USPS Track and Confirm search results, which shows that Express Mail No. EV327883285US was enroute on May 23, 2005 (the same Express Mail number and pick up date of May 23, 2005 was found on the Pickup Service Statement for Express Mail, Priority Mail or Parcel Post, which was signed by a USPS employee). It is also noted that the Application Transmittal Letter, filed May 23, 2005, contained the same Express Mail number.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, petitioner states that the Express Mailing Label for this application was not received back from the USPS. Therefore, petitioner must rely on "other official USPS notation" and USPS Track and Confirm records to prove that the package in question was accepted and enroute on May 23, 2005.

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 picked up and enroute by Express Mail Service delivery on May 23, 2005, 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 May 23, 2005 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

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Alexandria, VA 22313-1450
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CHRISTIE, PARKER & HALE, LLP
P.O. BOX 7068
PASADENA, CA 91109-7068

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of :
Wendell T. Hicken :
Application No. 60/683,685 : ON PETITION
Filed: May 23, 2005 :
Attorney Docket No. 54261/JEC/P396 :

This is a decision on the petition under 37 CFR 1.10(c), filed August 1, 2005, requesting that the above-identified provisional application be accorded a filing date of May 23, 2005, rather than the presently accorded filing date of May 24, 2005.

Petitioners allege that the application was deposited in Express Mail service on May 23, 2005. In support, the petition is accompanied by a copy of the "USPS Track & Confirm Results" for Express Mail label no. EV327908662US (the same Express Mail number found on the original application papers located in the official file) showing the item was placed in USPS Express Mail service on May 23, 2005. Additionally, petitioner has also submitted a copy of the "USPS Pickup Service Statement for Express Mail" (PS FORM 5541) which indicates the USPS picked up the item mailed under Express Mail label no. EV327908662US on May 23, 2005.

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

Accordingly, the application is entitled to a filing date of May 23, 2005.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of May 23, 2005 and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
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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Alexandria, VA 22313-1450
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NOV 0 8 2006

OFFICE OF PETITIONS

JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES CA 90067

In re Application of :
Daniel Rieders :
Application No. 60/684,100 : DECISION ON PETITION
Filed: May 23, 2005 :
Attorney Docket No. 64534-5001 :

This is a decision on the petition filed October 4, 2006 under 37 CFR 1.10 (c), which is treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of May 23, 2005, rather than the presently accorded filing date of May 24, 2005.

Petitioner alleges that the application was deposited in Express Mail service on May 23, 2005. Amongst the evidence provided is the Express Mail Customer label EV486236347US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) with a USPS postmark of May 23, 2005. The "date-in" has been left blank by the United States Postal Service.

However, a review of the USPS Track and Confirm information from the USPS website on Express Mail Customer label EV486236347US indicates that the package was accepted on May 24, 2006, not May 23, 2005 as indicated express mail package was accepted in Raleigh, NC on January 12, 2004.

In view of the evidence presented it cannot be concluded that the correct date of deposit in Express Mail service was May 23, 2005 and thus, the application is not entitled to a filing date of May 23, 2005. The petition is **DISMISSED**.

It should be noted also that this petition is being treated under 37 CFR 1.10(d) and not 37 CFR 1.10(c) because the copy of the express mail label does not in fact indicate a "date-in" of May 23, 2005 or May 24, 2005. Because the "date-in" section is blank and because the package was received by the USPTO on May 24, 2005, the filing date was properly accorded a filing date of May 24, 2005. The error in the filing date was not occasioned by the USPTO and instead it was postal service error.

As for the Power of Attorney which incorrectly gave the power to Angela Stone, petitioners will need to revoke the powers to Ms. Stone and re-file with a new power granting the authority to whomever they desire to represent them.

As the filing date is not being changed, this matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of May 24, 2005.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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AUG 11 2005

OFFICE OF PETITIONS

In re Application of
Polyak, et al.
Application No. 60/684,515
Deposited: May 26, 2005
Attorney Docket No. 122790.00104
For: PRESERVATION SOLUTION FOR ORGANS AND BIOLOGICAL TISSUES

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed July 19, 2005, requesting that the above-identified application be accorded a filing date of May 26, 2005.

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

The application was deposited on May 26, 2005. On June 10, 2005, the Office of Initial Patent Examination mailed a Notice informing applicants that no filing date had been accorded to the application papers deposited on March 14, 2005 because no drawings were present, as is required by 35 U.S.C. 113. In addition, the Notice stated that pages 16-19 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of May 26, 2006 on the basis that 2 sheets of drawing figures and pages 16-19 were received in the Patent and Trademark Office (PTO) on May 26, 2005. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing May 26, 2005 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 2 sheets of drawings and 19 pages of specification.

The return postcard constitutes *prima facie* evidence that 2 sheets of drawings and 19 pages of specification were filed on May 26, 2005. MPEP 503. Only pages 1-15 of the 19 page specification are present in the application file. Accordingly, the request is granted.

Pursuant to petitioners' authorization, deposit account no. 23-2185 will be credited the $400.00 and $130.00 petition fees charged on July 20, 2005.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **May 26, 2005**, using the copy of the 2 sheets of drawings and pages 16-19 of the specification submitted with the instant petition.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHALIN NAYAN SHAH
6980 WOODGLEN DRIVE
HUGHESVILLE, MD 20637

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APR 25 2006

OFFICE OF PETITIONS

In re Application of :
Shah :
Application No. 60/684,598 : DECISION ON PETITION
Filed: May 25, 2005 :
Attorney Docket No. N/A :
For: ANGULAR DEVIATION RESISTANCE DEVICE FOR IMPROVED PRONATION, SUPINATION, ULNAR DEVIATION AND RADIAL DEVIATION EXERCISES

This is a decision on the petition under 37 CFR 1.137(b), filed December 25, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application, mailed June 9, 2005, which set a period for reply of two (2) months. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on August 10, 2005 for lack of reply. The filing of the instant petition precedes the mailing of A Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) 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).This petition lacks item (2).

Regarding (2) above, the payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(b). This requirement cannot be waived. MPEP 711.03(c)(III)(B). Therefore, consideration of the merits of the petition before receipt of the full petition fee is prohibited.

The current small entity fee for filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b) is set forth in 37 CFR 1.17(m) as $750.00. A review of Office records indicates that petitioner's credit card was declined.

Petitioner must submit the $750.00 petition fee and the $45.00 reply (balance due for basic filing fee plus late filing fee surcharge).

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

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

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

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

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

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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United States Patent and Trademark Office
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6980 WOODGLEN DRIVE
HUGHESVILLE, MD 20637

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APR 25 2006
OFFICE OF PETITIONS

In re Application of
Shah
Application No. 60/684,598
Filed: May 25, 2005
Attorney Docket No. N/A
For: ANGULAR DEVIATION RESISTANCE DEVICE FOR IMPROVED PRONATION, SUPINATION, ULNAR DEVIATION AND RADIAL DEVIATION EXERCISES

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 25, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application, mailed June 9, 2005, which set a period for reply of two (2) months. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on August 10, 2005 for lack of reply. The filing of the instant petition precedes the mailing of A Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) 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).This petition lacks item (2).

Regarding (2) above, the payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(b). This requirement cannot be waived. MPEP 711.03(c)(III)(B). Therefore, consideration of the merits of the petition before receipt of the full petition fee is prohibited.

The current small entity fee for filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b) is set forth in 37 CFR 1.17(m) as $750.00. A review of Office records indicates that petitioner's credit card was declined.

Petitioner must submit the $750.00 petition fee and the $45.00 reply (balance due for basic filing fee plus late filing fee surcharge).

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

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

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

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

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

E. Shirene Willis

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/684,866	05/26/2005		100	112148-008.PRV	1		

CONFIRMATION NO. 8697

CORRECTED FILING RECEIPT

OC000000016816820

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

Date Mailed: 08/18/2005

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)

Richard Alan Busch, San Diego, CA;
Janet Vohariwatt, San Diego, CA;

Power of Attorney:

Richard Campbell--34790

If Required, Foreign Filing License Granted: 06/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/684,866

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 detecting, validating, and imposing correct page sequencing in electronic

documents

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/684,867	05/26/2005		100	50237-00001	11		

CONFIRMATION NO. 8695

CORRECTED FILING RECEIPT

OC000000016380387

25231
MARSH, FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY
SUITE 411
AURORA, CO 80014

Date Mailed: 06/27/2005

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)

Ronald L. Hehn, Hawley, MN;

Power of Attorney:

James Johnson–34193

If Required, Foreign Filing License Granted: 06/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/684,867

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Displacement actuated side dumping haul body

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

GRANTED

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/684,883	05/26/2005		100	81703	2		

CONFIRMATION NO. 8687

CORRECTED FILING RECEIPT

OC000000016448506

DAVID L. STEWART
Suite 1401
255 South Orange Avenue
Post Office Box 3791
Orlando, FL 32802-3791

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)

Pedro C. Cardenas, Pomona, CA;
Eric C. Graffham, San Bernardino, CA;

Power of Attorney:

David Stewart–37578

If Required, Foreign Filing License Granted: 06/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/684,883

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Snap nut for quick mounting of electrical conduit fitting

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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Alexandria, VA 22313-1450
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Clifford W. Browning
Bank One Center/Tower
Suite 3700
111 Monument Circle
Indianapolis, IN 46204-5137

COPY MAILED

JAN 2 3 2006

OFFICE OF PETITIONS

In re Application of
Spahn et al.
Application No. 60/685,209
Filed: May 27, 2005
Attorney Docket No. 16016-80

Decision on Petition

This is a decision on the petition filed September 14, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that 5 sheets of drawings were part of the originally filed application.

The application was filed on May 27, 2005. On September 1, 2005, a Notice was mailed stating that Figures 1-5 described in the specification did not appear to be included as part of the application filed.

The present petition alleges that 5 sheets of drawings containing Figures 1 to 5 were deposited on May 27, 2005. In support, petitioner has submitted a postcard receipt date stamped May 27, 2005, by the Office which acknowledges receipt of 5 sheets of drawings.[1]

The USPTO file for this application does not include the drawings described in the specification. However, based on the evidence submitted, the Office concludes the missing drawing sheets were part of the application but were later misplaced. Therefore, the petition is **granted**.

A refund of the $400 petition fee will be scheduled.

The Notice mailed September 1, 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 May 27, 2005, using the application papers filed on May 27, 2005, and the copy of the 5 sheets of drawings filed on September 14, 2005.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOWRIE, LANDO & ANASTASI
RIVERFRONT OFFICE
ONE MAIN STREET, ELEVENTH FLOOR
CAMBRIDGE MA 02142

COPY MAILED

AUG 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Jahngen, et al. :
Application No. 60/685,613 : DECISION GRANTING
Filed: May 27, 2005 : PETITION
Attorney Docket No. A2006-701600 :
For: COVALENT CONJUGATION OF :
GAGS TO POLYMER COATING OF
STENTS

This is a decision on the petition, filed August 4, 2005 (certificate of mailing date August 2, 2005), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed June 20, 2005.

The application was filed on May 27, 2005. On June 20, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners that page 10 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that page 10 be accorded a filing date of May 27, 2005 on the basis that 10 pages of specification, including allegedly missing page 10, were received in the Patent and Trademark Office (PTO) on May 27, 2005.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing May 27, 2005 as the date of receipt. The postcard lists that the filing included, *inter alia*, 10 pages of specification. A review of the application file reveals that there are 9 pages present. Page 10 is missing.

The return postcard constitutes *prima facie* evidence that the entire10 page specification, including missing page 10, was filed on May 27, 2005. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the $400.00 petition fee will be credited to petitioners' deposit account, no. 50-2762.

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

with a filing date of **May 27, 2005**, using the copy of page 10 supplied with the petition.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DRW Feb-06

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

COPY MAILED

FEB 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Leighton et al.	:	
Application No. 60/685,686	:	DECISION DISMISSING PETITION
Filed: 27 May, 2005	:	AS MOOT
Atty Dckt No. 50366/007001	:	

This is a decision on the petition, filed under 37 CFR 1.10(c) on 13 June, 2005, requesting that the above-identified application be accorded a filing date of 27 May, 2005.

A review of the Office PALM records reveals that this application was previously accorded a filing date of 27 May, 2005.

As the application has been accorded a filing date of 27 May, 2005, the present petition is unnecessary and will be dismissed as involving a moot issue.

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

No petition fee is due and none has been charged.

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

Encl: Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/685,686	05/27/2005		100	50366/007001			

CONFIRMATION NO. 2960

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

CORRECTED FILING RECEIPT

OC000000018114970

Date Mailed: 02/23/2006

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)

Harry Jefferson Leighton, Rockport, ME;
Stephen Ashley Lawton, Lexington, MA;

Power of Attorney:

Karen Elbing--35238

If Required, Foreign Filing License Granted: 06/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US60/685,686

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

Drug combinations for the treatment of lesions associated with viral infection

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-

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

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Swick and Patterson :
Application No. 60/685,752 :
Filed: May 27, 2005 :
Attorney Docket No. PC32693 :

DECISION GRANTING PETITION

This is a decision on the petition filed June 30, 2005, to accord the above-identified application a filing date.

On May 27, 2005, the application was deposited.

On June 20, 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 Claims 1 and 2 are method claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

In view of the above, the petition is **granted.** The petition fee of $400.00 will be refunded, in due course.

It is noted that the specification cites Figures 1 through 4, however; no drawings were found with the original application papers or with the petition. While a filing date is accorded the application, the disclosure will only include those papers present in the USPTO on May 27, 2005.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of May 27, 2005. **A filing receipt should be issued reflecting the application filing date of May 27, 2005.**

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. BOX 7037
ATLANTA, GA 30357-0037

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AUG 2 9 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Lee, et al. :
Application No. 60/685,974 :
Filed: May 31, 2005 :
Attorney Docket No. I086 1050.P1 :

This is a decision on the petition filed August 16, 2005, requesting that the above identified provisional application be accorded a filing date of May 31, 2005 including Figures 1-5 described in the specification.

The provisional application was submitted on May 31, 2005. However, on June 20, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Missing Parts of Provisional Application," (Notice) that stated the application had been accorded a filing date, and that Figures 1-5 described in the specification appear to have been omitted.

In response to the Notice, on August 16, 2005, the instant petition was filed.

Petitioner states:
"The Notice to File Missing Parts indicates that 'Figure(s) 1-5 described in the specification' have been omitted from the application. It is respectfully submitted that this is not so. As seen in the attached copy of the provisional application filed on May 31, 2005, Figures 1-5 appear in the text of the application on the following pages:

Fig. 1	Page 10
Fig. 2	Page 15
Fig. 3	Page 16
Fig. 4	Page 17
Fig. 5	Page 18."

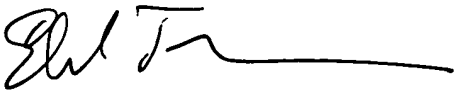
Under the facts of this case, this provisional application is entitled, for a filing date including Figures 1-5, to the date of receipt of the specification that also contained the drawings and figures. There is no explicit requirement that precludes the obtaining of a filing date for a provisional application when the specification and drawings are, as here, not separated. As such, the Notice of June 20, 2005 regarding the omitted Figures, was mailed in error and is vacated.

Accordingly, the petition is granted.

The petition fee will be refunded to deposit account No. 09-0528.

This provisional application is being forwarded to the Office of Initial Patent Examination, for further processing with a filing date of May 31, 2005 including Figures 1-5 described in the specification.

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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MAGNUS PFAHL, Ph.D.
605 NORTH RIOS AVENUE
SOLANA BEACH, CA 92075

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NOV 0 9 2006
OFFICE OF PETITIONS

In re Application of :
Magnus Pfahl et al :
Application No. 60/686,062 : ON PETITION
Filed: May 31, 2005 :
For: SUBSTITUTED BIARYLHETERO- :
CYCLE DERIVATIVES AS PROTEIN
KINASE INHIBITORS FOR THE
TREATMENT OF CANCER AND OTHER
DISEASES

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 20, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed June 17, 2005, which required the submission of $20 to complete the basic filing fee and a $25 surcharge for the late filing of the complete basic filing fee. 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 August 28, 2005. A Notice of Abandonment was mailed on February 22, 2006.

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

The petition does not satisfy item (3) above. In this regard, the statement of unintentional delay is not signed by all the applicants and is, therefore, unacceptable. Petitioner's attention is directed to 37 CFR 1.33(b), which states.

> *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 practitioner appointed in compliance with § 1.32(b);
>
> (2) A registered practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) **All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter [emphasis added].**

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicants.

Therefore, as the petition containing the statement of unintentional delay is not signed by all the applicants and the record herein fails to disclose that petitioner herein (Magnus Pfahl) was ever given a power of attorney to act on behalf of the other applicants, **or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b)**, the petition is considered to not contain a proper statement of unintentional delay. In view of the above, a renewed petition under 37 CFR 1.137(b) signed by all the applicants of record, or, if petitioner herein is the assignee of the entire right, title and interest in this application, a proper statement satisfying the provisions of 37 CFR 3.73(b), must be submitted.

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

By mail:	Mail Stop PETITION Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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SEP 29 2005

OFFICE OF PETITIONS

In re Application of :
Hare :
Filed: June 2, 2005 : ON PETITION
Application No. 60/686,418 :
Dkt. No.: 0175-0381PUS1 :

This decision is in response to the "PETITION," filed July 12, 2005.

The application was filed June 2, 2004. A Notice of Incomplete Provisional Application ("Notice") was mailed June 22, 2005. 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.

Petitioner argues that figures are not necessary for an understanding of the subject matter sought to be patented, and, therefore not necessary to obtain the filing date of June 2, 2005.

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 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 June 22, 2005 was mailed in error and is hereby **withdrawn**.

Accordingly, the petition to accord the application a filing date of June 2, 2005 is **GRANTED**.

The application will be processed with only the papers present on filing with a filing date of June 2, 2005, without drawings as part of the original disclosure.

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

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 2, 2005.

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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DIW sep-05

ELMORE,CRAIG & VANSTONE, P.C.
209 MAIN STREET
N. CHELMSFORD MA 01863

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SEP 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Mosser et al. : DECISION ON PETITION
Application No. 60/686,478 :
Filed: 1 June, 2005 :
Atty Docket No. 4010.3006 US1 :

This is a decision on the petition filed on 11 August, 2005, styled under 37 CFR 1.53(c).

The petition is **dismissed**.

On 1 June, 2005, the application was filed.

On 13 July, 2005, 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 1 June, 2005, but that Figure 5D described in the specification appeared to have been omitted from the application. A two (2) month period for reply was set.

In response, on 11 August, 2005, the present petition was filed, accompanied by 15 sheets of drawings, one sheet of which included Figures 5A-5C, and one unlabelled figure. Petitioners assert that Figure 5D included on the sheet of drawings filed with the application papers on 1 June, 2005, but was inadvertently unlabelled. Petitioners request that the sheet of drawings filed with the petition be accepted as replacement drawings.

The mailing of a "Notice of Omitted Items in a Provisional Application" permits the applicant to promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)).

It is obvious from the petition that no drawing was actually missing on 1 June, 2005. Rather, the drawing of Figure 5D was simply unlabeled as a result of the applicant's filing error. However, the "Notice" mailed on 13 July, 2005, was correct in stating that Figure 5D described in the specification appeared to

have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The application will be processed using only the application papers present on filing. The sheet of drawings filed with the present petition will not be used for processing or examination, but will be retained in the file.

The "Notice" mailed on 13 July, 2005, was correct in stating that Figure 5D 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 $400.00 petition fee was required upon filing of the petition. Thus, the 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 1 June, 2005, using only 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

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
60/686,516	06/01/2005		100	2960-105 PRV	3		

CONFIRMATION NO. 6988

CORRECTED FILING RECEIPT

23448
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

OC000000016485233

Date Mailed: 07/08/2005

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)

Robert E. Lundquist, Raleigh, NC;

Power of Attorney:

Steven Hultquist–28021
Marianne Fuierer–39983
Tristan Fuierer–52926

If Required, Foreign Filing License Granted: 06/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/686,516

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Biomimetic aquatic propulsion device

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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SILICON VALLEY CENTER
801 CALIFORNIA ST.
MOUNTAIN VIEW CA 94041

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NOV 30 2006

OFFICE OF PETITIONS

In re Application of :
STEELBERG et al. :
Application No. 60/686,535 :
Filed: June 1, 2005 :
Attorney Docket No. 24207-11458 :

DECISION
ON PETITION

This is a decision on the petition filed August 24, 2006, on behalf of the assignee, which is being treated under 37 CFR 1.181 and MPEP 106 as a request to control inspection of the file by the named inventor(s).

The petition to control inspection is **GRANTED.**

As permitted by 37 CFR 3.71, the assignee of the entire interest, dMarc Broadcasting Inc., which assignment of the inventor's rights title and interest has been recorded with the USPTO, has intervened herein within the meaning of 37 CFR 3.73(b) and MPEP 324. As explained in MPEP 106, the assignee of the entire interest may request that the USPTO preclude access to the file by the named inventor(s). Such a request may be granted, to the extent that the inventor(s) will only be permitted to inspect the application upon a sufficient showing that such inspection is necessary to conserve his or her rights. See In re The Kellogg Switchboard & Supply Company, 1906 C.D. 274 (Comm'r Pat. 1906).

However, all access restrictions cease upon publication or issuance of this or any other application in the benefit chain as then the public would then, inequitably, have more access to the application than a named inventor. See MPEP 106. U.S. Application No. 11/445,768, which claims priority to the above-identified provisional application, is projected to published on December 14, 2006. Upon publication or issuance of this or any other application in the benefit chain, the issue of restricting access to any party will become moot.

Telephone inquiries related to this decision should be directed to Denise Pothier at (571) 272-4787.

Brian Hearn
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
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/687,116	06/02/2005		100	43958-8001.US00	16		

CONFIRMATION NO. 1545

22918
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

CORRECTED FILING RECEIPT

OC000000019997268

Date Mailed: 08/11/2006

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)

Sam Shank, San Francisco, CA;

Power of Attorney:

Glenn Von Tersch--41364

If Required, Foreign Filing License Granted: 06/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/687,116

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

Compiling and filtering user ratings of products

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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
60/687,127	06/02/2005		100	020035-002100US			

CONFIRMATION NO. 1534

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

CORRECTED FILING RECEIPT

OC000000017499454

Date Mailed: 11/22/2005

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 mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert Chow, Irvine, CA;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 07/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/687,127

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Process for collecting, processing, cryopreserving, and storing stem cells

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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UNITED STATES SURGICAL,
A DIVISION OF TYCO HEALTHCARE GROUP LP
150 GLOVER AVENUE
NORWALK CT 06856

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Holsten	:	
Application No. 60/687,214	:	DECISION GRANTING
Filed: June 3, 2005	:	PETITION
Attorney Docket No. H-US-00242 (203-4493)	:	
For: TISSUE TENSION DETECTION SYSTEM	:	

This is a decision on the petition, filed August 26, 2005 (certificate of mailing date August 23, 2005), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed June 23, 2005. The petition will be treated under 37 CFR 1.53(e).

The application was filed on June 3, 2005. On June 23, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioner that page 6 of the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that page 6 be accorded a filing date of June 3, 2005 on the basis that the entire specification, including allegedly missing page 6, was received in the Patent and Trademark Office (PTO) on June 3, 2005.

In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 3, 2005 as the date of receipt. The postcard lists that the filing included, *inter alia*, 6 pages of specification. A review of the application file reveals that there are 5 pages present. Page 6 is missing.

The return postcard constitutes *prima facie* evidence that the entire 6 page specification, including missing page 6, was filed on June 3, 2005. MPEP 503. Accordingly, the petition under 37 CFR 1.53(e) is **granted**.

Pursuant to petitioner's authorization, the $400.00 petition fee will be credited to petitioner's deposit account, no. 21-0550.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **June 3, 2005**, using the copy of page 6 supplied with the petition.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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KAPLAN GILMAN GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
WOODBRIDGE, NJ 07095

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JAN 19 2006

OFFICE OF PETITIONS

In re Application of :
Daniel Cervini :
Application No. 60/687,352 :
Filed: June 3, 2005 :
Attorney's Docket No. 620/9 :

ON PETITION

This is a decision on the petition filed under 37 CFR 1.10(d) on June 20, 2005.

The petition is **DISMISSED** as involving moot issues.

Petitioners request that the filing date be corrected to June 3, 2005, as the date that the application was deposited in Express Mail service instead of June 6, 2005.

A review of Office PALM records indicates that the application is presently accorded a filing date of June 3, 2005. The petition is therefore dismissed as moot. A copy of a corrected filing receipt accompanies this decision.

In view of the above, no fees are due. It appears that a check in the amount of $130.00 was submitted with the petition. $80.00 of the $130.00 was applied to deposit account no. 11-0223 on June 21, 2005. Since no fees are due the remaining $50.00 will also be credited to deposit account no. 11-0223.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Attachment: Official Filing Receipt

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MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

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MAY 0 2 2006
OFFICE OF PETITIONS

In re Application of	:	
Scott D. Kuduk et al	:	DECISION GRANTING
Application No. 60/687,469	:	PETITION
Filed: June 3, 2005	:	
Attorney Docket No. 21848PV	:	

This is a decision on the petition under 37 CFR 1.10(d), filed November 4, 2005, requesting that the above-identified application be accorded a filing date of June 3, 2005, rather than the presently accorded filing date of June 4, 2005.

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 June 3, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of the Express Mail label, receipt No. EV422539861US, showing a Date-In of June 4, 2005. Further, the petition is accompanied by copies of an Express Mail Corporate Account mailing statement, the USPS record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" and U.S. Postal Service Track&Confirm system information, all showing that the package in question, bearing the same Express Mail number found on the provisional patent application transmittal, was charged the Express Mail fee, picked up and accepted on June 3, 2005.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on June 3, 2005. Accordingly, the instant application file is entitled to a filing date of June 3, 2005, and has been so accorded.

The petition is granted.

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

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 271-3220.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

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LEE & HAYES, PLLC
421 W. RIVERSIDE AVE
STE 500
SPOKANE, WA 99201

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Steve Ellison, et al. :
Application No. 60/687,628 : DECISION ON PETITION
Filed: June 3, 2005 :
Attorney Docket No. TL1-004USP1 :

This is a decision on the petition under 37 CFR 1.182, filed, April 26, 2007, to correct the name of inventor "Scott Xin" to – Xin Xin --.

The petition is **GRANTED**.

Office records have been updated to reflect the correction of the inventor's name. A corrected Filing Receipt, which reflects the inventor's correct name, accompanies this decision on petition.

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

Sherry D. Brinkley
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	TOT CLMS	IND CLMS
60/687,628	06/03/2005		200	TL1-004USP1		

CONFIRMATION NO. 3278

CORRECTED FILING RECEIPT

OC000000025774300

29150
LEE & HAYES, PLLC
421 W. RIVERSIDE AVE
STE 500
SPOKANE, WA 99201

Date Mailed: 09/11/2007

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. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Steve Ellison, Liberty Lake, WA;
Xin Xin, Liberty Lake, WA;
Pedro Fernandez, Liberty Lake, WA;

Power of Attorney:

William Breen III--45313

If Required, Foreign Filing License Granted: 06/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/687,628

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Cable cabinets and chassis

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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
60/687,665	06/05/2005		200	APLE.P0103P	4		

CONFIRMATION NO. 3642

CORRECTED FILING RECEIPT

OC000000016735125

STATTLER, JOHANSEN & ADELI, LLP
STE 1050
1875 CENTURY PARK EAST
LOS ANGELES, CA 90067

Date Mailed: 08/09/2005

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Applicant(s)

Hyeonkuk Jeong, San Jose, CA;
Paul Chang, San Jose, CA;

Power of Attorney:

Mani Adeli--39585

If Required, Foreign Filing License Granted: 06/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/687,665

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

Non-Publication Request: No

Early Publication Request: No

Title

Performing variable and/or bitwise shift operation for a shift instruction that does not provide a variable or bitwise shift option

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Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication 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
60/688,101	06/07/2005		100	1.400.05	8		

CONFIRMATION NO. 5249

4219
MALLOY & MALLOY
2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI, FL 33129

CORRECTED FILING RECEIPT

OC000000017049687

Date Mailed: 09/19/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Roger Arguello, Miami, FL;

Power of Attorney:

John Malloy–19531
Jennie Malloy–37670
Peter Matos–37884
John Fulton Jr–46716

If Required, Foreign Filing License Granted: 06/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/688,101

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Universal audio and video accessory mounting assembly

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

Paper No. None

JONES DAY
222 EAST 41ST STREET
NEW YORK NY 10017-6702

COPY MAILED

SEP 21 2005

OFFICE OF PETITIONS

In re Application of :
Benjamin L. Jackson :
Application No. 60/688,359 : DECISION ON PETITION UNDER
Filing Date: June 6, 2005 : 37 C.F.R. §1.10(c)
Attorney Docket No. 8932-1100-888 :
Title: IMPLANT FOR SPINAL STABILIZATION AND ITS METHOD OF USE :

This is a decision on the petition under 37 C.F.R. §1.10(c), filed September 1, 2005, requesting the according of a filing date of June 6, 2005 to application number 60/688,359.

The application was deposited on June 6, 2005. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 60/688,359 had been accorded a filing date of June 7, 2005.

With the present petition, Petitioner has included a copy of the Express Mail label number EV452775444US[1].

Petitioner has alleged that the application was deposited on June 6, 2005, and the Patent Office has incorrectly assigned a filing date of June 7, 2005 to the instant application. Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of June 6, 2005.

1 The Provisional Application for Patent cover sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

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 equally inconclusive.

Although the application received a filing date of June 7, 2005, the evidence is convincing that the application papers were filed on June 6, 2005, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of June 6, 2005.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 6, 2005, as well as the mailing of a corrected filing receipt.

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.

It is noted that with the present petition, Petitioner has submitted a sheet of drawings, containing Figures 1-2. Petitioner is reminded that pursuant to 37 C.F.R. §1.53(c), provisional applications cannot be amended. As such, the drawings will not be entered.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/688,466	06/08/2005		100	GOODHI.012PR	4		

CONFIRMATION NO. 7367

CORRECTED FILING RECEIPT

OC000000017534879

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 11/29/2005

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 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)

Dean K. Goodhill, Los Angeles, CA;
Ty Safreno, San Luis Obispo, CA;

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

If Required, Foreign Filing License Granted: 06/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/688,466

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Motion picture piracy inhibition via randomly phased display intervals and shuttering cadences of film projection or similar blanking of digital projection

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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 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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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose CA 95113

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SEP 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Lombaard, et al. :
Application No. 60/688,523 : ON PETITION
Filed: June 7, 2005 :
Attorney Docket No. CYPR-CD05030.PRO :
For: A NEW FAST LOCK CIRCUIT FOR A PLL

This is a decision on the petition under 37 CFR 1.137(b), filed April 17, 2006 (certificate of mailing date April 10, 2006), to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application, mailed June 23, 2005, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on August 24, 2004. A Notice of Abandonment was mailed on March 20, 2006.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.;

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

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

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

The instant petition does not satisfy requirement (1) above.

Petitioners have not submitted the $50.00 late declaration surcharge that was required by the June 23, 2005 Notice.

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, petitioners are required to provide a statement to that effect.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose CA 95113

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JAN 0 3 2007

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Lombaard, et al. :
Application No. 60/688,523 :
Filed: June 7, 2005 :
Attorney Docket No. CYPR-CD05030.PRO :
For: A NEW FAST LOCK CIRCUIT FOR A PLL

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed November 24, 2006 (certificate of mailing date November 22, 2006), 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 June 23, 2005, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on August 24, 2004. A Notice of Abandonment was mailed on March 20, 2006.

Applicants have submitted a proper reply to the June 23, 2005 Notice in the form of a provisional application cover sheet and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the June 23, 2005 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

James D. Welch
10328 Pinehurst Ave
Omaha NE 68124

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AUG 16 2005

OFFICE OF PETITIONS

In re Application of
Yongfeng Lu
Application No. 60/688,665
Filed: June 8, 2005
Title: LARGE AREA PULSED LASER DEPOSITION

DECISION ON PETITION

This is a decision on the petition filed July 1, 2005, requesting that Figures 1-3(b) be accorded a filing date of June 8, 2005, as part of the original disclosure.

The application was deposited on June 8, 2005. However, on June 24, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application (notice)," stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of drawings.

In response, on July 1, 2005, applicants filed the present petition, along with a copy of that which was purportedly submitted on filing. Petitioner urges, in essence, that since the same material was present at the PTO on June 8, 2005, even though the drawings were submitted as part of the specification, this application should be accorded that date as the filing date.

Pursuant to 35 USC 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 USC 112 ¶ 1, and a drawing as prescribed by 35 USC 113. 37 CFR 1.53(c)(1) also requires the inclusion of a cover sheet pursuant to 37 CFR 1.51(c)(1), a condition clearly met herein on June 8, 2005, as was the submission of the filing fee required by 35 USC 41. All conditions for obtaining a filing date in this provisional application were clearly met on June 8, 2005.

Under the facts of this case, this provisional application is entitled, for a filing date, to the date of receipt of the two pages of specification which also contained Figures 1, 2(a), 2(b), 3(a), and 3(b). 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.

Accordingly, the petition is **GRANTED**.

It is noted that the specification only describes Figure 1, yet Petitioner has submitted Figures 1, 2(a), 2(b), 3(a) and 3(b).

The notice mailed June 24, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 will be refunded via the mailing of a treasury check in due course.

The Office of Initial Patent Examination will be advised to process this application with a filing date of June 24, 2005, using the original application papers filed on that date, including Figures 1-3(b) which were submitted on filing as part of the specification, and for indication in Office records that these figures were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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

RANDALL BYRD
216 WOODCLIFF DR
REDDING, CA 96003

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APR 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Byrd	:	
Application No. 60/688,788	:	
Deposited: June 9, 2005	:	DECISION ON
Title of Invention:	:	PETITION
LIGHT TO INSTALL ON	:	
REALESTATE FOR SALE SIGNS;	:	
ETIAL, LIGHT TO BE BATTERY	:	
POWERED AND USE LOW VOLTAGE	:	
LED OR INCADESANT BULBS	:	
EQUIPED W/PHOTOCELL & SOLAR	:	
FOR AUTOMATED USE AT NIGHT TO	:	
ILLUMINATE SIGN	:	

This is a decision in response to the correspondence filed March 14, 2006. The correspondence is properly treated as a petition under 37 CFR 1.181.

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.

Proceedings in thehe above-identified application were terminated by this Office when Applicant failed to timely and/or properly reply to a Notice of Incomplete Provisional Application, mailed August 5, 2005. A Notice of Terminated Proceedings was mailed January 13, 2006.

Applicant files the instant correspondence and requests withdrawal of the termination/abandonment letter of January 13, 2006. Applicant provides that he has recently moved and ha[s] been missing or not receiving documentation from the PTO.

Applicant is further advised that, "[i]n order to overcome the presumption of delivery of an Office action, a practitioner (Applicant) must submit the following:

(1) A statement from the practitioner stating the Office action was not received by the practitioner;
(2) A statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received, and
(3) A copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

MPEP 711.03(c)

Petitioner has not submitted the required statements and/or documents. Moreover, the showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

It is noted that the Notice was properly mailed to the correspondence address of record. In absence of any irregularity in the mailing of an Office action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

A review of the instant petition and application file reveal that, at the time the Office action was mailed, the correspondence address of record was different from the correspondence address as indicated in the instant correspondence. In fact, Applicant only now provides this Office with a new correspondence address (albeit in an improper format[1]).

Petitioner/Applicant has not provided any indication as to when his correspondence address changed, making it unclear whether

[1] Applicant is advised that "[s]ince different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects." 37 CFR 1.4.

the Office action was properly mailed by this Office to the correspondence address and petitioner did not receive the Office action, or whether petitioner had changed his correspondence address prior to the mailing of the Office action but failed to timely notify this Office of the change.

Petitioner must clarify, on the record, when his correspondence address changed.

Accordingly, Petitioner's assertion, that the Office action was not received, is insufficient to justify withdrawing the holding of abandonment. Petitioner should file a Request for Reconsideration of Petition and include the necessary statements and copies of documents.

Applicant is further advised to seek the services of a registered patent attorney and/or contact the Office of Independent Inventors, at 703-306-5568, for assistance in prosecuting his patent application.

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

Cc: Randall Byrd
3682 EAGLE PARKWAY
REDDING, CA 96001

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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THERESA A LOBER
T.A. LOBER PATENT SERVICES
45 WALDEN ST
CONCORD, MA 01742

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OCT 14 2005

OFFICE OF PETITIONS

In re Application of :
Golovochenko, et al. :
Application No. 60/688,799 : DECISION GRANTING PETITION
Filed: June 9, 2005 :
Attorney Docket No. HVD2488 :

This is a decision on the petition filed September 7, 2005, to vacate the "Notice of Omitted Items in Provisional Application (the "Notice").

The petition is **granted**.

On June 9, 2005, the above-identified application was filed. However, on August 9, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date, but that pages 1 of the specification, appeared to have been omitted. The Notice set a two-month period for reply.

In response, on September 7, 2005, applicant filed the present petition, a copy page 1 of the specification, and an Office date-stamped postcard receipt acknowledging receipt of 96 pages of the specification, among other items.

Upon review of the record, page 1 was not located among the application papers. However, the evidence is convincing that the application papers deposited June 9, 2005, included 96 pages of the specification and the Office subsequently misplaced page 1. Therefore, the application, including page 1 of the specification, was complete on filing and entitled to a filing date of June 9, 2005.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 9, 2005, using the 96 pages of the specification filed on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/688,813	06/07/2005		200	16597US01	4		

CONFIRMATION NO. 9083

CORRECTED FILING RECEIPT

OC000000016608080

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Date Mailed: 07/25/2005

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

Applicant(s)

Fong Pong, Mountain View, CA;

Power of Attorney:

Ognyan Beremski--51458

If Required, Foreign Filing License Granted: 06/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/688,813

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 supporting large caches with split and canonicalization tags

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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PATENT DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

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AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of
Helle Birk Olsen et al.
Application No. 60/689,004
Filed: June 9, 2005
Attorney Docket Number: 6982.013-US

: DECISION GRANTING
: PETITION

This is a decision on the petition filed July 21, 2005, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed June 22, 2005, requesting that the above identified application be accorded a filing date of June 9, 2005.

On June 9, 2005 the application was filed. On June 22, 2005, 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 11 sheets of drawings, which contained Figures 1-18, was filed with the other application papers on June 9, 2005 and proffers as proof of submission of drawings with the application papers filed June 9, 2005, a postcard receipt which shows an official USPTO date-stamp of June 9, 2005, and the above-identified application number, and acknowledges receipt of, *inter alia*, 11 sheets of drawings having been supplied with the application papers filed June 9, 2005.

Upon review of the record, no sheets of drawings deposited on June 9, 2005, have been located among the application papers. However, the evidence is convincing that the application papers deposited on June 9, 2005, included 11 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 11 sheets of drawings, was complete on filing and entitled to a filing date of June 9, 2005.

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

The Notice of Incomplete Nonprovisional Application mailed June 22, 2005, is withdrawn. Therefore, the petition fee in the amount of $130 will be credited back to deposit account 14-1447. For future references however, petitioner should be advised

that effective November 22, 2004, a petition under 37 CFR 1.53 was increased from $130.00 to $400.00.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of June 9, 2005, using the application papers filed on June 9, 2005 and the 11 sheets of drawings supplied with a copy of the complete application and petition on July 21, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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OCT 2 8 2005

OFFICE OF PETITIONS

In re Application of :
Baumann et al. :
Application No. 60/689,409 : ON PETITION
Filed: June 10, 2005 :
Attorney Docket No. PRD2403-USPSP :

This is a decision on the petition filed July 29, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that page 110 of the specification was part of the originally filed application.

The application was filed on June 10, 2005.

On June 27, 2005, a Notice was mailed stating that page 110 of the specification did not appear to be included as part of the application filed.

The present petition alleges that page 110 was deposited on June 27, 2005.

Upon receipt of the application, the papers were scanned into an electronic file wrapper. A review of the file wrapper indicates that page 110 is in the application file. Page 110 of the specification was scanned between pages 135 and 136 of the specification.

For the reasons above, the petition is **granted**.

The papers will correct the electronic file wrapper in order to have the papers appear in the correct order in the application file.

A petition fee has not been charged to petitioner's deposit account.

The Notice mailed June 27, 2005, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the file with a filing date of June 10, 2005, using the application papers filed on June 10, 2005.

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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SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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SEP 0 1 2005

OFFICE OF PETITIONS

In re Application of
Robert Pazornik et al.
Application No. 60/689,602
Filed: June 10, 2005
Attorney Docket Number: 10502

: DECISION GRANTING
: PETITION

This is a decision on the petition filed August 15, 2005, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed June 24, 2005, requesting that the above identified application be accorded a filing date of June 10, 2005.

On June 10, 2005, the application was filed. On June 24, 2005, 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 3 sheets of drawings was filed with the other application papers on June 10, 2005 and proffers as proof of submission of drawings with the application papers filed June 10, 2005 a postcard receipt which shows an official USPTO date-stamp of June 10, 2005, and the above-identified application number, and acknowledges receipt of, *inter alia*, 3 sheets of drawings having been supplied with the application papers filed June 10, 2005.

Upon review of the record, no sheets of drawings deposited on June 10, 2005, have been located among the application papers. However, the evidence is convincing that the application papers deposited on June 10, 2005, included 3 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 3 sheets of drawings, was complete on filing and entitled to a filing date of June 10, 2005.

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

The Notice of Incomplete Nonprovisional Application mailed June 24, 2005, is withdrawn. Therefore, the petition fee in the amount of $130 will be credited back to deposit account 19-2555.[1]

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of June 10, 2005, using the application papers filed on June 10, 2005 and the 3 sheets of drawings supplied with a copy of the complete application and petition on August 15, 2005.

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

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. For future references please 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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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

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NOV 21 2005

OFFICE OF PETITIONS

In re Application of
Scott Perrow :
Application No. 60/689,707 : DECISION GRANTING
Filed: June 11, 2005 : PETITION
Attorney Docket No. DP-313986 :

This is a decision on the petition filed October 11, 2005, requesting that the above-identified application be accorded a filing date of June 10, 2005, instead of the presently accorded filing date of June 11, 2005.

Petitioners request the earlier filing date on the contention that the application was purportedly deposited with an employee of the United States Postal Service (USPS) on June 10, 2005, pursuant to the requirements of 37 CFR 1.10. In support, petitioners supplied a copy of Express Mail label EV657980519US which bears a "date in" of June 11, 2005. The petition is also accompanied by a copy of the Utility Patent Application Transmittal form with the above-mentioned Express Mail number, and a declaration signed by Karen Lachowicz and Gregory Brandell.

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]

[1] See 37 CFR 1.6(a).

(emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing 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.

Petitioner has provided a statement signed by the USPS employee and the Postmaster stating that the above-identified express mail package was accepted at the Milford, Michigan before the close of business on June 10, 2005.

In view thereof, the petition is GRANTED.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to June 10, 2005** and for the mailing of 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

cc: L.C. Begin & Associates, PLLC
510 Highland Avenue
PMB 403
Milford, Michigan 48381

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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LEONARD C. BAJORK
10809 RANGE VIEW DRIVE
AUSTIN TX 78730

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NOV 3 0 2006

OFFICE OF PETITIONS

In re Application of :
Bajork :
Application No. 60/689,754 : ON PETITION
Filed: June 13, 2005 :
Title: :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed April 24, 2006.

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

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on June 28, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 29, 2005. This decision precedes the mailing of a Notice of Abandonment.

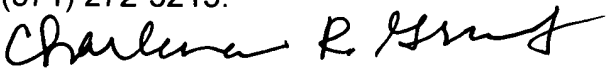
Petitioner contends the application should not have been abandoned because a cover sheet was submitted with the original disclosure. Petitioner has provided a copy of the cover sheet purportedly submitted. Petitioner acknowledges that the format for the title may have caused the abandonment. Petitioner contends the format was unintentional. Petitioner further proposes to use the first page of the provisional application for a Patent Cover Sheet.

A review of the record shows that a cover sheet was submitted on filing. However, as the Notice indicated, the cover sheet failed to provide the title of the invention pursuant to 37 CFR 1.51 (c)(1)(iv). The submission of a cover sheet or an application data sheet was a requirement which cannot be met using the first page of the application. Further it is noted that petitioner failed to respond to the Notice of Missing Parts.

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
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/689,809	06/13/2005		200	232455			

CONFIRMATION NO. 4073

CORRECTED FILING RECEIPT

OC000000016451043

45733
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

Date Mailed: 07/06/2005

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)

Kenner C. Rice, Bethesda, MD;
Elisabeth Greiner, Bethesda, MD;

Power of Attorney: The patent practitioners associated with Customer Number **45733**.

If Required, Foreign Filing License Granted: 06/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/689,809

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

Non-Publication Request: No

Early Publication Request: No

Title

Synthesis of 2-carboxyquinoline derivatives

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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CHICAGO, IL 60601-6780

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SEP 14 2005

OFFICE OF PETITIONS

In re Application of :
Dieter Link :
Application No. 60/689,814 :
Filed: June 13, 2005 : ON PETITION
Attorney Docket No.: 236205 :

This is a decision on the Petition to Correct Filing Date Pursuant to 37 CFR § 1.10(d), filed August 26, 2005, requesting that the above-identified application be accorded a filing date of June 13, 2005, rather than the presently accorded filing date of June 12, 2005.

Petitioner alleges that the application was deposited in Express Mail service on June 13, 2005. In support of this assertion, Petitioner files a copy of the United States Postal Service Track and Confirm for Express Mail Label EV420401587US, that indicates that was accepted on June 13, 2005. The same Express Mail Label Number appears on the application transmittal papers filed with the application. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that June 13, 2005, was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**. A refund of the petition fee, $400.00, has been credited to deposit account 12-1216.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to June 13, 2005.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OCT 13 2005

OFFICE OF PETITIONS

In re Application of :
Dieter Link :
Application No. 60/689,914 :
Filed: June 13, 2005 : ON PETITION
Attorney Docket No.: 236205 :

This is a decision on the Petition to Correct Filing Date Pursuant to 37 CFR § 1.10(d), filed August 26, 2005, requesting that the above-identified application be accorded a filing date of June 13, 2005, rather than the presently accorded filing date of June 12, 2005.

Petitioner alleges that the application was deposited in Express Mail service on June 13, 2005. In support of this assertion, Petitioner files a copy of the United States Postal Service Track and Confirm for Express Mail Label EV420401587US, that indicates that was accepted on June 13, 2005. The same Express Mail Label Number appears on the application transmittal papers filed with the application. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that June 13, 2005, was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**. A refund of the petition fee, $400.00, has been credited to deposit account 12-1216.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to June 13, 2005.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Johns Hopkins University
5th Floor
100 N. Charles Street
Baltimore MD 21201

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SEP 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Koliatsos :
Application No. 60/690,033 : ON PETITION
Filed: June 13, 2005 :
Attorney Docket No. 4750 :

This is a decision on the petition filed August 16, 2005, requesting that the above-identified provisional application be accorded a filing date of June 13, 2005, without the submission of drawings.

On June 13, 2005, applicant deposited this application with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on July 28, 2005, 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 August 16, 2005, applicant submitted the present petition, a preliminary amendment and an authorization to charge the petition fee. In the present petition, applicant requested that the above-identified application be accorded a filing date of June 13, 2005, the date applicant deposited the application in the USPTO without drawings. Specifically, applicant stated that drawings were not necessary for the understanding of the subject matter sought to be patented.

A review of the record reveals the application papers deposited on June 13, 2005, 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 that fact and signed a statement indicating that the drawings are **not** necessary for the understanding of the subject matter sought to be patented.

In view of the above, the petition is granted. The Office incorrectly stated in the Notice that the current fee for filing the present petition is $130.00, and charged applicant's Deposit Account accordingly. However, effective November 22, 2004, the petition fee increased to $400.00. Therefore, applicant's Deposit Account will be charged the difference of $270.00. The $400.00 petition fee is not refundable because the necessity for filing the petition was not caused by USPTO error.

The application will be processed with a filing date of June 13, 2005, 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 June 13, 2005, 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
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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APPLETON PAPERS INC.
LAW DEPARTMENT
825 E. WISCONSIN AVENUE
PO BOX 359
APPLETON WI 54912-0359

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FEB 22 2006

OFFICE OF PETITIONS

In re Application of	:	
Guinebretiere et al.	:	
Application No. 60/690,487	:	DECISION GRANTING PETITION
Filed: 14 June, 2005	:	
Atty Dckt No. 6589	:	

This is a decision in reference to the petition filed on 1 July, 2005, under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 14 June, 2005, rather than the currently-accorded filing date of 15 June, 2005.

The petition is **granted**.

Petitioners assert that the application was deposited in Express Mail Service on 14 June, 2005. In support, petitioners have provided a copy of the Express Mail Customer Label ER871717564US. (the same Express Mail number found on the itemized provisional application for patent cover sheet accompanying the original application papers located in the official file, and the first page of the specification) showing a "date-in" of "6-14-05".

It is noted that the provisional application cover sheet lists the Express Mail Label number as "ER871717564" but omits the suffix "US". Nevertheless, it is concluded, particularly since the complete Express Mail number is located on the first page of the specification as filed, that there is sufficient information to link the Express Mail number on the Express Mail Customer Label to the application papers received in the Official file. Petitioners are cautioned, however, that the entire Express Mail label number should be included on the itemized transmittal sheet in future filings.

As such, the showing of record is that the correct date of deposit in Express Mail is 14 June, 2005.

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

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 14 June, 2005, and for issuance of a corrected Filing Receipt.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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
60/690,487	06/14/2005		200	6589	6		

CONFIRMATION NO. 7293

CORRECTED FILING RECEIPT

OC000000018643167

29674
APPLETON PAPERS INC.
LAW DEPARTMENT
825 E. WISCONSIN AVENUE
PO BOX 359
APPLETON, WI 54912-0359

Date Mailed: 04/28/2006

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)

Sandra Jacqueline Guinebretiere, Appleton, WI;
Peggy Dorothy Sands, Appleton, WI;
Nianxi Yan, Appleton, WI;

Power of Attorney:

Benjamin Mieliulis--29675

If Required, Foreign Filing License Granted: 06/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/690,487

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Encapsulated structural adhesive

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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McCarter & English, LLP
Citizens Bank Center
Suite 1800
919 N. Market Street
Wilmington, DE 19801-3033

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SEP 0 6 2005

OFFICE OF PETITIONS

In re Application of :
S. Agrawal, et al. :
Application No. 60/690,857 : DECISION GRANTING PETITION
Filed: June 15, 2005 :
Attorney Docket No. 99689-00034US :

This is a decision on the petition filed August 22, 2005, requesting that the above-identified provisional application be accorded a filing date of June 15, 2005.

The petition is granted.

The application was filed on June 15, 2005, describing drawings containing Figures 1 through 5, but no drawings were filed. Accordingly, June 30, 2005, 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 August 22, 2005, 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 June 15, 2005. 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 June 15, 2005, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
60/690,974	06/16/2005	Shawn DeFrees	40853-01-5172-PR

CONFIRMATION NO.
1482

MORGAN, LEWIS & BOCKIUS LLP (SF)
2 PALO ALTO SQUARE
PALO ALTO CA 94306

Date Mailed: August 18, 2005

Decision Granting Petition under 37 CFR 1.138(c)

The declaration of express abandonment is 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 petition is granted.

The express abandonment is recognized and the application has been withdrawn from publication. A notice of abandonment is attached.

Telephone inquiries should be directed to the Office of Patent Publication, the Pre-Grant Publication Division, at 703-605-4283.

Barbara J. Debnam
Pre-Grant Publication Division
Office of Patent Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE, LLP
P.O. BOX 2168
MENLO PARK, CA 94026

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JUL 13 2006
OFFICE OF PETITIONS

In re Application of :
Susan B. Hares :
Application No. 60/691,091 : ON PETITION
Filed: June 15, 2005 :
Attorney Docket No. 41434-8025.US00 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 7, 2006 and on May 9, 2006, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application mailed July 1, 2005. A Notice of Abandonment was mailed on March 20, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration along with the surcharge of $25; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/691,184	06/16/2005		200	H-MP-00017.P US			

CONFIRMATION NO. 2787

CORRECTED FILING RECEIPT

OC000000019080630

24289
Mallinckrodt Inc.
675 McDonnell Boulevard
PO Box 5840
St. Louis, MO 63134

Date Mailed: 06/02/2006

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)

Peter X. Wang, Chesterfield, MO;
Frank W. Moser, Arnold, MO;
Daniel P. Magparangalan, Bridgeton, MO;
Gary L. Cantrell, Troy, IL;

Power of Attorney:

Christine Rebman--50546

If Required, Foreign Filing License Granted: 07/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/691,184

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Synthetic route to 14-hydroxyl opiates through 1-halo-thebaine or analogs

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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MAR 17 2008

MORGAN LEWIS
& BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of
Tavares :
Application No. 60/691,344 : ON PETITION
Filed: 15 June, 2005 :
Attorney Docket No.: 18638-04-5066 PR :

This is a decision on the petition filed (with fee) on 16 June, 2006, to expunge a document from the file and considered under 37 C.F.R. §1.59.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing

The petition under 37 C.F.R. §1.59 is **DISMISSED**.

The instant application was filed on 15 June, 2005.

Petitioner wishes to remove "part of an original disclosure *** by substituting a redacted version of the original provisional application ***."

The reason stated for the request is that the material sought to be expunged "identified the specific IP addresses of the system implemented by the inventor's employer and assignee of the provisional and [subsequently filed] utility application ***. The IP addresses are not otherwise made public, are treated as proprietary information, and would cause irreparable harm to he assignee because the specific IP addresses identify points of attack on assignee's computer network used by hackers seeking to damage both the operations and reputation of the assignee."

Petitioner continues, averring that "the specific IP addresses are not material to patentability of the applicant's invention because the specific IP addresses are only relevant to the assignee's own computer network and others practicing the disclosed invention would select IP addresses of their own network, which is well within the capability of one of ordinary skill in the art."

The provisions of 37 C.F.R. §1.59 provide in pertinent part:

> **§ 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 or § 41.7(a) of this title.
>
> (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.
>
> ***

A review of the record indicates that, while the guidance at the Commentary set forth at MPEP §724.04 indicates that requirements of the petition are, in pertinent part:

> ***
>
> (A) a clear identification of the information to be expunged without disclosure of the details thereof;
>
> (B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public; (emphasis supplied)
>
> (C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
>
> (D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information[,]
>
> ***

Petitioner's request appears to address expressly the [i]nformation forming part of the original disclosure (i.e., written specification ***) ***[,]" and seeks waiver of the rule.

Moreover, it appears that Petitioner has not made the statement set forth in item "A," above. Rather than identify by page and line where the proprietary information is located, and providing

redacted copies of those pages, Petitioner seems to wish to make a blanket statement and submit a blanket substitution.

That is not what is foreseen by the Rule.

In that, as of this writing, Petitioner has not complied with the guidance at the Commentary set forth at MPEP §724.04, waiver of the rule is not appropriate at this time.

Accordingly, the instant petition is **dismissed**.

The instant application is released to IFW Files Repository.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Greer, et al. : DECISION ON PETITION
Application No. 60/691,420 :
Filed: June 17, 2005 :
Atty. Dkt. No.: 042933/293426 :

This decision is in response on the "Petition To Grant Filing Date And To Refund Petition Fee 37 CFR § 1.53(d)," filed July 19, 2005. This matter is being treated under 37 CFR 1.10(c) to accord the above-identified application a filing date of June 17, 2005.

Petitioner alleges that the application was deposited in Express Mail service June 17, 2005. As supporting evidence, petitioner has provided a copy of an Express Mail label bearing tracking number EV521115696US (the same Express Mail number found on the application transmittal letter accompanying the original application papers located in the official file) and an ambiguous "date-in."

Nonetheless, review of the USPS "Track & Confirm" report, retrieved from www.usps.gov, indicates that a package bearing Express Mail label No. EV521115696US was accepted by the USPS on June 17, 2005 and delivered to the United States Patent and Trademark Office on June 20, 2005.

In view of the above, the petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of June 17, 2005 is hereby **GRANTED**.

No fee is due in connection with this petition. A refund of the previously submitted $400.00 petition fee 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 June 17, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

COPY MAILED

NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of
Klenke
Application No. 60/691,707
Filed: June 17, 2005
Attorney Docket No. 04156.0015U1
For: LED

Decision on Petition

This is a decision on the petition filed August 4, 2005, requesting, in effect, that Figure 4 be entered as part of the 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 NOT permitted.

On July 6, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of June 17, 2005, and advising applicants that Figure 4 appeared to be missing.

In response, the present petition was filed. Petitioner does not allege Figure 4 was filed on June 17, 2005. However, petitioner has submitted a copy of Figure 4 and seeks entry of the drawing figure.

A provisional application cannot be amended. Therefore, any amendment to add Figure 4, whether formal or informal, cannot be granted.

Figure 4 will not be entered as part of the application.

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
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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MARGARET SANDOVAL
700 EVBANK BLVD SE, # 1318
ALBUQUERQUE, NM 87123

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FEB 0 9 2006

OFFICE OF PETITIONS

In re Application of :
Margaret Sandoval :
Application No. 60/692,211 : ON PETITION
Filed: August 23, 2005 :
Attorney Docket No. N/A :

This is a decision on the papers filed August 23, 2005, which has been treated as a petition requesting that the above identified provisional application be accorded a filing date of June 20, 2005. The petition was recently forwarded to this office for consideration.

The provisional application was deposited on June 20, 2005. However, on August 4, 2005, 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 specification was missing and the provisional application was deposited without drawings. In response, on August 23, 2005, the instant petition, a specification and drawings were filed.

A petition for filing date which asserts all of the required items were submitted with the application as originally filed must be accompanied by the required $400.00 petition fee (37 CFR 1.17(f). The required petition fee has not been submitted and therefore, the petition cannot be reviewed on the merits at this time.

Accordingly, the petition is dismissed.

As stated on the Notice, the filing date shall be the date of receipt of all the omitted items. As such, the above-identified application shall retain the current filing date of August 23, 2005.

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

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

Telephone inquiries regarding this decision should 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
P.O. Box 1450
Alexandria, VA 22313-1450
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IRELL & MANELLA LLP
1800 AVENUE OF THE STARS
SUITE 900
LOS ANGELES CA 90067

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JUL 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Caspi, Yuval	:	
Application No. 60/692,759	:	ON PETITION
Filed: June 22, 2005	:	
Attorney Docket No. 158702-0007	:	

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**.

Petitioner's deposit account will be charged the $120.00 deficiency as authorized.

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.

Telephone inquiries may be direct to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: INTELLECTUAL PROPERTY LAW OFFICE OF
JOEL VOELZKE, APC
24772 W. SADDLE PEAK ROAD
MALIBU, CA 90265-3042

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
60/692,822	06/22/2005		225	RENA 9284US	59		

CONFIRMATION NO. 2391

001688
POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS, MO 63131-3615

CORRECTED FILING RECEIPT

OC000000017070825

Date Mailed: 09/22/2005

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 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)

Yuwei Xun, Cockeysville, MD;
David M. Lunking, Rockville, MD;
Etienne Besnoin, Baltimore, MD;
David Van Heerden, Baltimore, MD;
Timothy P. Weihs, Baltimore, MD;
Omar M. Knio, Timonium, MD;

Power of Attorney:

Glen Books--24950

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods of making reactive composite structures, resulting products and applications 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/692,948	06/21/2005		100	14729	1		

CONFIRMATION NO. 1689

30238
RAYMOND G. AREAUX
1100 POYDRAS STREET, SUITE 2700
NEW ORLEANS, LA 70163

CORRECTED FILING RECEIPT

OC000000017377217

Date Mailed: 11/02/2005

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

Applicant(s)

Paul D. Roussel, Folsom, LA;

Power of Attorney:

Raymond Areaux--33643

If Required, Foreign Filing License Granted: 07/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/692,948

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Ignition and flame supervision system for open flame gas lights

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/693,035	06/22/2005		100	02962-00088	12		

CONFIRMATION NO. 9300

CORRECTED FILING RECEIPT

OC000000016869012

21918
DOWNS RACHLIN MARTIN PLLC
199 MAIN STREET
P O BOX 190
BURLINGTON, VT 05402-0190

Date Mailed: 08/25/2005

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

Applicant(s)

Christopher W. Allen, Essex Junction, VT;
Lianhui Cong, Colchester, VT;

Power of Attorney: The patent practitioners associated with Customer Number **21918**.

If Required, Foreign Filing License Granted: 07/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/693,035

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Cyclophosphazene photoresist system and method

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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 Aug-05

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

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AUG 2 2 2005

OFFICE OF PETITIONS

In re :
Application No. 60/693,366 : DECISION ON PETITION
Filed: 22 June, 2005 :
Atty Docket No. VNUS.041PR :

Receipt is acknowledged of the petition filed on 1 August, 2005, concerning the U.S. Patent and Trademark Office's handling of an application assigned application Serial No. 60/693,366.

The petition is dismissed.

The application was filed on 22 June, 2005. However, on 11 July, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Provisional Application, stating that the application had been accorded a filing date of 22 June, 2005, and advising applicant that Figures 1A-C, 17A, 19A and 19B described in the specification appeared to have been omitted. Additionally, a late filing fee or oath or declaration surcharge of $25.00 and the provisional application cover sheet identifying the name(s) of the inventor(s) and city and state or foreign country of residence of each inventor were required.

In response, the present petition was filed. Petitioner asserts that Figures 1A-C, 17A, 19A, and 19B were not missing on 22 June, 2005. In support, petitioner's provided a postcard receipt showing an Office-date stamp of "062205" as well as the above-identified application number. Petitioner has also provided two copies of 13 sheets of drawings including, *inter alia*, Figures 1A-C, 17A, 19A, and 19B.

A review of the official file reveals that 28 sheets of drawings were received, and that Figures 1A-C, 17A, 19A, and 19B, are not located among the application papers received on 22 June, 2005. Although petitioner states that "USPTO records show that the drawings were filed properly," it is noted that the copies of drawings filed with the petition are different than the drawings filed with the application papers received on 22 June, 2005, and are labeled with a different invention title and attorney docket number. It appears that, applicant filed different drawings with

the application papers than those filed with the present petition.

Further, petitioner's postcard receipt does not serve as persuasive evidence that the missing Figures were filed on 22 June, 2005. 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 and drawing Figures, and 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. Unfortunately, applicant's postcard does not itemize the number sheets of drawings filed, or the number of drawing figures, as the postcard simply references "____ sheets of Drawings". As such, petitioner has provided no convincing evidence that drawing Figures 1A-C, 17A, 19A and 19B were filed in the USPTO on 22 June, 2005. Therefore, the petition must be dismissed.

The present petition was not necessitated by any error on the part of the Office and the $400.00 petition was required upon filing of the petition. Thus, the $400.00 petition fee will not be refunded.

NOTICE OF INCOMPLETE REPLY

It is noted that petitioner has still not supplied the name and residence of the inventor(s), or the $25.00 surcharge set forth in the Notice mailed 11 July, 2005. The period for reply set forth in the above-mentioned Notice remains in effect.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of 22 June, 2005, using only the application papers present on filing.

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

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Oct-05

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

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OCT 19 2005

OFFICE OF PETITIONS

In re :
Application No. 60/693,366 : DECISION ON PETITION
Filed: 22 June, 2005 :
Atty Docket No. VNUS.041PR :

This is a decision on the request for reconsideration filed on 19 September, 2005, which is treated as a petition requesting the above-identified application be accorded a filing date of 22 June, 2005, with 13 sheets of drawings, including, *inter alia*, Figures 1A-C, 17A, 19A, and 19B, as a part of the original disclosure.

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

The application was filed on 22 June, 2005. However, on 11 July, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Provisional Application, stating that the application had been accorded a filing date of 22 June, 2005, and advising applicant that Figures 1A-C, 17A, 19A and 19B described in the specification appeared to have been omitted. Additionally, a late filing fee or oath or declaration surcharge of $25.00 and the provisional application cover sheet identifying the name(s) of the inventor(s) and city and state or foreign country of residence of each inventor were required.

In response, on 1 August, 2005, a petition was filed whereby petitioner asserts that Figures 1A-C, 17A, 19A, and 19B were not missing on 22 June, 2005. In support, petitioner's provided a postcard receipt showing an Office-date stamp of "062205" as well as the above-identified application number. Petitioner has also provided two copies of 13 sheets of drawings including, *inter alia*, Figures 1A-C, 17A, 19A, and 19B. The petition was dismissed on 22 August, 2005, however, because applicant's postcard does not itemize the number sheets of drawings filed, or the number of drawing figures, as the postcard simply references "____ sheets of Drawings".

Petitioner now asserts, in the present renewed petition, that the 13 sheets of drawings including, *inter alia*, Figures 1A-C, 17A, 19A, and 19B were included with the papers filed on 22 June, 2005, and that the papers processed as the application drawings were part of another application included as an appendix to the present application.

A review of the official file reveals that 13 sheets of drawings containing Figures 1, 1A-C, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15A, 16, 16A, 17, 17A, 18, 19, 19A, 19B, and 20, containing the above-identified application title and attorney docket number were in fact present among the application papers deposited on 22 June, 2005. As such, since the drawing sheets applicant wishes to have treated as the application drawings were present on the date the application was filed, the application will be reprocessed using the above-referenced 13 sheets of drawings. The other sheets of drawings will not be processed, but will be retained in the application file.

However, because the original petition was decided on the merits and was dismissed due to insufficient evidence, the original petition fee of $400.00 will not be refunded.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of 22 June, 2005, using only the application papers present on filing, and for an indication in Office records that 13 sheets of drawings were present on filing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Min, Hsieh & Hack, LLP
c/o Portfolio IP
P.O. Box 52050
Minneapolis MN 55402

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Phool :
Application No. 60/693,425 : ON PETITION
Filed: June 24, 2004 :
Attorney Docket No. 0052.6000 :

This is a decision on the petition filed July 25, 2005, requesting that the above-identified application be accorded a filing date of June 24, 2005, with one drawing sheet as part of the original disclosure.

On June 24, 2005, applicant deposited the above-identified application. However, on July 11, 2005, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Provisional Application," requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings.

On July 25, 2005, applicant submitted the present petition, accompanied by a $130.00 petition fee, one sheet of drawings (Figures 1), a return, date-stamped postcard receipt, and an authorization to charge the Deposit Account for any additional fees. The postcard receipt acknowledged receipt of one sheet of drawings in the USPTO on June 24, 2005. Thereafter, the Office accorded the above-identified application a filing date of July 25, 2005, the date of applicant's response to the Notice.

Upon review of the record, the one drawing sheet, deposited on June 24, 2005, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 24, 2005, included one drawing sheet, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the one drawing sheet (Figure 1), was complete on filing and will be granted a filing date of June 24, 2005.

Accordingly, the petition is granted.

The Notice of Incomplete Provisional Application was sent in error and is hereby withdrawn. Moreover, the Office erroneously accorded the application a filing date of July 25, 2005. Accordingly, no petition fee is necessary.

The Office finance record indicates that applicant paid a $130.00 petition fee. The current fee for filing the present petition is $400.00, therefore, the Office charged applicant's Deposit Account for the difference in the amount of $270.00. The $400.00 petition fee will be credited to Deposit Account No. 50-2961.

The Office of Initial Patent Examination is directed to correct the filing date to June 24, 2005, using the application papers submitted on that date, and the one drawing sheet (Figure 1) submitted on July 25, 2005. Additionally, the Office is directed to mail applicant 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

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GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

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APR 14 2006

OFFICE OF PETITIONS

In re Application of :
Polt :
Application No. 60/693,497 : ON PETITION
Filed: June 24, 2005 :
Attorney Docket No. TPL-11918/03 :
For: COMPACT VALVE GEAR

This is a decision on the petition under 37 CFR 1.10(c), filed September 6, 2005 (certificate of mailing date September 1, 2005), requesting that the above-identified application be accorded a filing date of June 23, 2005, rather than the presently accorded filing date of June 24, 2005.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on June 23, 2005. In support of this contention, petitioner has supplied with the present petition a copy of a Pick Up Service Statement showing Express Mail label No. EV 339617976 was picked up on June 23, 2005 and a copy of the USPS Track and Confirm printout for the package associated with Express Mail label No. EV 339617976, which shows that it was accepted by the USPS on June 23, 2005. The certificate of mailing by Express Mail, which is part of the original application transmittal found in the application file references Express Mail Receipt Number: EV339617976US.

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

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

This application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **June 23, 2005.**

Telephone inquiries concerning 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

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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
60/693,497	06/23/2005		100	TPL-11918/03	7		

CONFIRMATION NO. 2676

CORRECTED FILING RECEIPT

25006
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

OC000000018573753

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)

Anton Polt, Plymouth, MI;

Power of Attorney:

Douglas Wathen--41369

If Required, Foreign Filing License Granted: 07/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/693,497

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

Compact valve gear

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/693,540	06/24/2005		100	101362.0001PRO			

CONFIRMATION NO. 5382

Martin Fessenmaier
Suite 1400
611 Anton Blvd.
Costa Mesa, CA 92626

CORRECTED FILING RECEIPT

OC000000016760512

Date Mailed: 08/11/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Rose Davis, Harbor City, CA;

Power of Attorney: The patent practitioners associated with Customer Number **34284**.

If Required, Foreign Filing License Granted: 07/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/693,540

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 hair growth

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 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
60/693,546	06/24/2005		200	2005P11037 US	1		

CONFIRMATION NO. 5386

028524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

CORRECTED FILING RECEIPT

OC000000017038977

Date Mailed: 09/16/2005

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

Applicant(s)

Dorin Comaniciu, Princeton Jct., NJ;
Daniel Fasulo, Titusville, NJ;
Zhuowen Tu, San Diego, CA;
Lu-yong Wang, Plainsboro, NJ;

Power of Attorney:
Michele Conover–34962

If Required, Foreign Filing License Granted: 07/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/693,546

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

Non-Publication Request: No

Early Publication Request: No

Title

Joint classification and subtype discovery in tumor diagnosis by gene expression profiling

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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.

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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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/694,053	06/27/2005	John Gregory Fields	

CONFIRMATION NO.

John G. Fields
328 Harris Hill Drive
Athens, GA 30607

Date Mailed: 11/21/2005

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 **10/12/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (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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PATENT DEPARTMENT
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.
1500 WELLS FARGO PLAZA
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MN 55431

COPY MAILED

AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of :
Brandyn B. Phillips :
Application No. 60/694,454 : DECISION GRANTING PETITION
Filed: June 27, 2005 :
Attorney Docket No. 30,259-01 :

This is a decision on the petition filed July 22, 2005, requesting that the above-identified application be accorded a filing date of June 27, 2005, with one sheet of drawings as part of the original disclosure.

On June 27, 2005, the above-identified application was filed. On July 15, 2005 the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application " (the "Notice"), stating that the application had not been accorded a filing date because drawings were not found with the application, but appeared to be required to understand the invention. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on July 22, 2005, applicants filed the present petition, a copy of the one sheet of drawing, and a copy of the Office date-stamped postcard receipt acknowledging receipt of one sheet of drawing, among other items.

Upon review of the record, the drawing was not located among the original application papers. The evidence is convincing, however, that one sheet of drawing accompanied the original application papers. Therefore, the application, including the one sheet of drawing, was complete on filing and entitled to a filing date of June 27, 2005.

Accordingly, the petition is granted.

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 a filing date of June 27, 2005, including the one sheet of drawings filed on that date. A corrected filing receipt will be issued in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-32222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/694,547	06/28/2005		200	12706/22	10		

CONFIRMATION NO. 8845

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

CORRECTED FILING RECEIPT

OC000000016844288

Date Mailed: 08/24/2005

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

Applicant(s)

Lasse W. Mogensen, Soborg, DENMARK;
Jesper T. Olsen, Kobenhavn K, DENMARK;
Carl J. D. Ahman, Malmo, SWEDEN;

Power of Attorney:
Heidi DaRe–50775

If Required, Foreign Filing License Granted: 07/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/694,547

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

Non-Publication Request: No

Early Publication Request: No

Title

Packing for infusion set and method of applying an infusion set

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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INVITROGEN CORPORATION
29851 WILLOW CREEK ROAD
EUGENE OR 97402-9132

COPY MAILED
SEP 0 6 2006
OFFICE OF PETITIONS

In re Application of	:	
Beardslee et al.	:	
Application No. 60/694,816	:	DECISION ON PETITION
Filed: 27 June, 2005	:	
Atty Docket No. IVGN 297 PRO	:	

This is a decision on the petition filed on 26 June, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 15 September, 2005, for failure to timely submit the statutory basic filing fee and surcharge for its late filing, as required by the Notice to File Missing Parts of Provisional Application mailed on 14 July, 2005, which set a two month shortened period for reply. No extensions

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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.

(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)).

of the time for reply were obtained. Notice of Abandonment was mailed on 5 April, 2006.

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

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

cc: Sterne, Kessler, Goldstein & Fox, P.L.L.C.
1100 New York Avenue, NW
Washington DC 20005-3934

UNITED STATES PATENT AND TRADEMARK OFFICE

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ABELMAN FRAYNE & SCHWAB
666 THIRD AVE
NEW YORK NY 10017

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SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of :
Ami Glicksman :
Application No. 60/695,028 : DECISION ON PETITION
Filed: June 28, 2005 :
Attorney Docket No. 207,055 :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION", filed August 2, 2005, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of June 28, 2005, with page 1 of the specification as a part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on June 28, 2005. However, on August 2, 2005, 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, page 1 of the specification appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of page 1 of the specification. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Specification (16 pages)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of June 28, 2005, and lacking any notation of non receipt of any item listed.

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

Given the basis for granting the petition, the $400 petition fee has been refunded to Deposit Account No. 01-0035.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 28, 2005, using the application papers received in the Office on that date and the copy of page 1 of the specification supplied on petition filed August 2, 2005.

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

FREDERICK E. SEVERSON
945 S.W. PERFECTA AVENUE
BEAVERTON, OR 97005

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of :
Frederick Ernest Severson :
Application No. 60/695,600 : ON PETITION
Filed: June 30, 2005 :
Title of Invention: MODEL RAILROAD SOUND :
AND CONTROL SYSTEM

This is a decision on the petition filed June 23, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned October 4, 2005, for failure to timely reply to the Notice to File Missing Parts, mailed August 3, 2005, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The response to the Notice to File Missing Parts mailed August 3, 2005 indicating that the CD-ROM filed with the application was a duplicate of the drawings provided with the original application papers, and thus contains no new matter, is acknowledged. Petitioner has not therefore amended the specification and requests that the CD-ROM filed with the application be discarded.

Additionally, the record does not reveal that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the 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 petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

All other requirements having been met, this matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

NATHAN O. GREENE
STOEL RIVES LLP
201 S. MAIN STREET, SUITE 1100
SALT LAKE CITY, UT 84111

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
60/695,709	06/29/2005		200	PC32952			

CONFIRMATION NO. 7789

CORRECTED FILING RECEIPT

OC000000016818410

28523
PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON, CT 06340

Date Mailed: 08/18/2005

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)

Mark David Andrews, Sandwich, UNITED KINGDOM;
Alan Daniel Brown, Sandwich, UNITED KINGDOM;
Paul Vincent Fish, Sandwich, UNITED KINGDOM;
Jonathan Michael Fray, Sandwich, UNITED KINGDOM;
Mark Ian Lansdell, Sandwich, UNITED KINGDOM;
Malcolm Christian MacKenny, Sandwich, UNITED KINGDOM;
Thomas Ryckmans, Sandwich, UNITED KINGDOM;
Florian Wakenhut, Sandwich, UNITED KINGDOM;
Gavin Alistair Whitlock, Sandwich, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number **28523**.

If Required, Foreign Filing License Granted: 07/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/695,709

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

Non-Publication Request: No

Early Publication Request: No

Title

Novel 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.

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

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

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

GRANTED

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

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NOT GRANTED

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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/695,859	06/30/2005		200	0053.05	8		

CONFIRMATION NO. 6898

CORRECTED FILING RECEIPT

OC000000018562455

25295
USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

Date Mailed: 04/18/2006

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)

John B. Luchansky, Souderton, PA;
Neil M. Goldberg, North Wales, PA;
Alan H. Oser, Harleysville, PA;

Power of Attorney:
George Stover--34737

If Required, Foreign Filing License Granted: 07/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/695,859

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method and apparatus for treatment of food products

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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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ROBERT DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK IL 60064-6008

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SEP 27 2006
OFFICE OF PETITIONS

In re Application of :
Pantages et al. : DECISION ON PETITION
Application No. 60/696,069 :
Filed: July 1, 2005 :
Attorney Docket No. 7699.US.L1 :
Title of Invention: Clip Applier :
and Methods of Use :
:

This is a decision on the petitions filed December 2, 2005, May 19, 2006, June 9, 2006 and July 5, 2006 requesting that the above-identified provisional application be accorded a filing date.

A review of the application shows that the application papers submitted on July 1, 2005. A filing date of July 1, 2005 was granted in the above-identified application. A filing receipt was mailed to the address affiliated with customer number 23492, which was the address provided on the Provisional Application for Patent Cover Sheet.

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

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 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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MAR 17 2006

OFFICE OF PETITIONS

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of :
Gould, et al. : DECISION ON PETITION
Application No. 60/696,111 :
Filed: July 1, 2005 :
For: 018638-04-5057-P1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2006 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned July 20, 2005 for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed May 19, 2005. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. This decision precedes Notice of Abandonment.

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

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

This application will be 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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G. L. WINZENBURGER
P.O. BOX 365
BEREA, OH 44017-0365

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OFFICE OF PETITIONS

In re Application of	:	
Palisin, Stephen P. Jr.	:	
Application No. 60/696,639	:	ON PETITION
Filed: July 5, 2005	:	
Attorney Docket No. SDC.P1100P	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 5, 2006, 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 July 25, 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 September 26, 2005. A Notice of Abandonment was mailed on April 5, 2006.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

A provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until July 5, 2006, 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 C. Walsh

Liana Chase Walsh
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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/696,762	07/05/2005		200	D-3215	5		

CONFIRMATION NO. 3788

CORRECTED FILING RECEIPT

OC000000017046703

48418
PARKS KNOWLTON LLC
1117 PERIMETER CENTER WEST
SUITE W307
ATLANTA, GA 30338

Date Mailed: 09/19/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Tsugihiko Suzuki, Duluth, GA;
Aaron L. Bates, Powder Springs, GA;
James Knotts, Roswell, GA;

Power of Attorney:

Paul Knowlton--44842

If Required, Foreign Filing License Granted: 07/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/696,762

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

Non-Publication Request: No

Early Publication Request: No

Title

Carton with handle reinforcement structure

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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OFFICE OF PETITIONS

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

In re Application of :
William S. McKinley, et al. :
Application No.: 60/696,828 : ON PETITION
Filed: July 5, 2005 :
Attorney Docket No. 31451-EM-2100 :

This is a decision on the petition under 37 CFR 1.182, filed July 10, 2006, to correct the spelling of one of the inventor's name.

The petition is GRANTED.

USPTO records will be corrected as follows:

The second inventor's name will be changed from "Jeffrey A. Dean" to "Jeffery A. Dean."

As authorized, the $400 fee for the petition under 37 CFR 1.182 will be charged to petitioner's deposit account. A corrected Filing Receipt is enclosed.

It is noted that the address given on the petition differs from the address of record. If appropriate, 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, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

cc: PEACOCK MYERS, P.C.
POST OFFICE BOX 26927
ALBUQUERQUE, NM 87125-6927

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	TOT CLMS	IND CLMS
60/696,828	07/05/2005		200	31451-EM-2100		

CONFIRMATION NO. 3569
CORRECTED FILING RECEIPT
OC000000022755678
OC000000022755678

5179
PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

Date Mailed: 03/06/2007

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)

William Scott McKinley, Clermont, FL;
Jeffery Allen Dean, Clermont, FL;

Power of Attorney:

Jeffrey Myers--35964

If Required, Foreign Filing License Granted: 07/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/696,828

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Variable differential power division to improve reciprocal RF power distribution efficiency

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional

patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15 (b). The license is subject to revocation upon written notification. The date indicated is 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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KELLEY DRYE & WARREN LLP
TWO STAMFORD PLAZA
281 TRESSER BOULEVARD
STAMFORD CT 06901

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OCT 12 2005

OFFICE OF PETITIONS

In re Application of :
Kurganov et al. :
Application No. 60/697,178 : ON PETITION
Filed: 7 July, 2005 :
Atty Docket No. 015749-0133 :

This is a decision on the paper filed on 23 September, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of 7 July, 2005.

The petition is **GRANTED**.

The application was filed on 7 July, 2005, without drawings. Accordingly, on 21 July, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application stating that the application had been deposited without drawings.

On 23 September, 2005 (certificate of mailing date 20 September, 2005), 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 7 July, 2005, 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 three (3) method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 21 July, 2005, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on 7 July, 2005.

The application is accorded a filing date of 7 July, 2005, without drawings as a part of the original disclosure. The petition fee paid of $400.00 will be credited to counsel's deposit account, No. 11-0404.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 7 July, 2005, 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.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

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AUG 31 2005

OFFICE OF PETITIONS

In re Application of :
Jedediah Feller :
Application No. 60/697,568 : DECISION GRANTING PETITION
Filed: July 8, 2005 :
Attorney Docket No. 30840/41243 :

This is a decision on the petition filed August 5, 2005, requesting that the above-identified provisional application be accorded a filing date of July 8, 2005.

The petition is granted.

The application was filed on July 8, 2005, describing drawings containing Figures 1 and 2, but no drawings were filed. Accordingly, July 28, 2005, 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 August 5, 2005, 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 8, 2005. 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 8, 2005, 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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United States Patent and Trademark Office
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Moore, Hansen & Sumner, PLLP
Suite 4850
225 South Sixth Street
Minneapolis MN 55402

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Kelly et al. :
Application No. 60/697,825 : DECISION ON PETITION
Filed: July 7, 2005 :
Attorney Docket No. R48-003-01-US :

This is a decision on the petition filed August 4, 2005, requesting that the above-identified application be accorded a filing date of July 7, 2005, with Figures 15 and 16 as part of the original disclosure.

The application was filed on July 7, 2005. On July 28, 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 July 7, 2005, but that Figures 15 and 16 appeared to have been omitted.

In response, on August 4, 2005, petitioner submitted the present petition, the $400.00 petition fee, an affidavit from Attorney Robert C. Freed, and a copy of the application (including Figures 15 and 16). Petitioner contends that the entire application, including the drawing sheet on which Figures 15 and 16 were presented, was deposited in the Express mail on July 7, 2005, with Express Mail No. EV506976472U5 and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. In support of this contention, petitioner submitted an affidavit of Mr. Freed outlining the procedure for preparing and depositing the application in Express Mail service.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals that Figures 15 and 16 were not located among the application papers. A petitioner alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

The Office notes that pursuant to 37 CFR 1.10, correspondence deposited with the USPS, and which is actually received by the Office, will receive the deposit date, *i.e.* "date-in", as its filing date. In this instance, the Office has indicated that Figures 15 and 16 appear to have been omitted from the application papers as filed. Accordingly, compliance with 37 CFR 1.10 is not evidence that Figures 15 and 16 were actually filed and received by the Office with the application papers on July 7, 2005.

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 by the Office. See MPEP 503.

Unfortunately, petitioner did not provide a copy of a returned, dated-stamped postcard receipt itemizing the papers filed on July 7, 2005. Therefore, petitioner did not submit sufficient prima facie evidence that Figures 15 and 16 were filed with the original application papers on July 7, 2005.

In view of the above, the petition is dismissed.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

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

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

This matter is being referred to the Office of Initial Patent Examination for further processing. Figures 15 and 16 will not be entered at this time.

Telephone 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

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

Moore, Hansen & Sumner, PLLP
Suite 4850
225 South Sixth Street
Minneapolis MN 55402

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OCT 13 2005

OFFICE OF PETITIONS

In re Application of :
Kelly et al. :
Application No. 60/697,825 : DECISION ON PETITION
Filed: July 7, 2005 :
Attorney Docket No. R48-003-01-US :

This is a decision on the renewed petition filed September 30, 2005, requesting that the above-identified application be accorded a filing date of July 7, 2005, with Figures 15 and 16 as part of the original disclosure.

The application was filed on July 7, 2005. On July 28, 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 July 7, 2005, but that Figures 15 and 16 appeared to have been omitted. On August 4, 2005, petitioner submitted the original petition, the $400.00 petition fee, and a copy of the application (including Figures 15 and 16). On September 12, 2005, the Office mailed a decision dismissing the petition.

On September 30, 2005, petitioners submitted the present renewed petition and a copy their returned, date-stamped postcard receipt, acknowledging receipt of 13 sheets of drawings in the USPTO on July 7, 2005.

Upon review of the record, Figures 15 and 16, deposited on July 7, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 7, 2005, included Figures 15 and 16, which were subsequently misplaced in the USPTO. Therefore, the application, including Figures 15 and 16, was complete on filing and will be granted a filing date of July 7, 2005.

Accordingly, the renewed petition is granted.

The Office of Initial Patent Examination is instructed **to accord the application a filing date of July 7, 2005,** using the 12 drawing sheets submitted on that date, and the one drawing sheet of Figures 15 and 16 submitted on August 4, 2005.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PILLSBURY WINTHROP SHAW PITTMAN LLP
P O BOX 10500
McLEAN, VA 22102

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SEP 19 2006
OFFICE OF PETITIONS

In re Application of	:	
Hubertus Johannes Gertrudus Simons	:	
Application No. 60/697,988	:	DECISION ON PETITIONS
Filed: Jul7 12, 2005	:	UNDER 37 CFR 1.182
Attorney Docket No. 081468-0316822	:	

This is a decision on the petitions under 37 CFR 1.182 to (1) correct the inventor's nickname from "Geert Simons" to his full legal name of - Hubertus Johannes Gertrudus Simons -, and (2) to expedite consideration of the petition to correct the inventor's name.

The petitions are **GRANTED**.

Office records have been changed to reflect the above-noted inventor's full legal name. A Corrected Filing Receipt which reflects this change in the inventor's name accompanies this decision on petition.

As authorized, a $400 fee for each of the petitions under 37 CFR 1.182 has been assessed to petitioner's deposit account as authorized.

Inquiries concerning this decision on petition may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/697,988	07/12/2005		200	081468-0316822			

CONFIRMATION NO. 8900

CORRECTED FILING RECEIPT

OC000000020491303

00909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

Date Mailed: 09/19/2006

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)

Hubertus Johannes Gertrudus Simons, Veldhoven, NETHERLANDS;

Power of Attorney: The patent practitioners associated with Customer Number **00909**.

If Required, Foreign Filing License Granted: 07/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/697,988

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method of positioning a substrate

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

AVAAK, INC.
SUITE 245
5405 MOREHOUSE DR.
SAN DIEGO CA 92121

COPY MAILED

DEC 20 2006

OFFICE OF PETITIONS

In re Application of :
Goldberg et al. :
Application No. 60/698,134 : ON PETITION
Filed: July 12, 2005 :
Title: WIRELESS AUTOMATIC METER READER (WAMR) USING MINIATURE CAMERA :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 20, 2006, 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 filing fee deficit and the surcharge; (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.

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 July 12, 2006, when it went abandoned as a matter of law.

A courtesy copy is being mailed to the address listed on the petition.

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

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

WILLIAM J. KOLEGRAFF
3119 TURNBERRY WAY
JAMUL, CA 91935

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARLTON FIELDS, PA
1201 WEST PEACHTREE STREET
3000 ONE ATLANTIC CENTER
ATLANTA GA 30309

COPY MAILED

OCT 18 2005

OFFICE OF PETITIONS

In re Application of :
Alan Kyle Bozeman :
Application No. 60/698,194 : DECISION GRANTING PETITION
Filed: July 11, 2005 :
Attorney Docket No. SGI-05010-S :

This is a decision on the petition filed August 8, 2005, requesting that the application be accorded a filing date of July 11, 2005, with Figures 64 and 65 described in the specification as part of the original disclosure.

On July 11, 2005, applicant filed the above-identified application. However, on July 27, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of July 11, 2005, and advising applicant that Figures 64 and 65 appeared to have been omitted.

In response, on August 8, 2005, applicant submitted, *inter alia*, the present petition and 78 sheets of drawings (including Figures 64 and 65). Additionally, applicant submitted a copy of applicant's returned, date-stamped postcard receipt acknowledging receipt of "Drawings (82 Pgs.)" in the USPTO on July 11, 2005.

A review of the record reveals that a total of 78 sheets of drawings, consisting of Figures 1-63, 66-81, and 81A-82 have been located in the official file. It appears that the USPTO employee, who compared applicant's postcard to the items received on filing, found that the application contained at least 82 sheets of drawings. Accordingly, the evidence is persuasive that Figures 64 and 65 were among the application papers received on July 11, 2005, but were subsequently misplaced in the USPTO. Therefore, the application,

including Figures 64 and 65, was complete on filing and will be granted a filing date of July 11, 2005.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of July 11, 2005,** using the 78 sheets of drawings submitted on that date, and Figures 64 and 65 submitted with the petition on August 8, 2005, as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

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SEP 14 2005

OFFICE OF PETITIONS

In re Application of :
Draborg, et al. :
Application No. 60/698,254 :
Filed: July 11, 2005 :
Attorney Docket No. 10826.003-US :

DECISION GRANTING PETITION

This is a decision on the petition filed August 18, 2005, requesting that the above-identified application be accorded a filing date of July 11, 2005.

The petition is **granted**.

On July 11, 2005 the above-identified application was filed. On July 26, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (the "Notice"), stating that the application had not been accorded a filing date because drawings were not found with the application papers, but appeared to be required. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, the instant petition in which the argument was made that a drawing did accompany the original application papers. Petitioner states that this drawing was labeled "Figure 1" and followed the sequence listing.

Upon review of the record, the drawing was located among the originally filed application papers. Therefore, the application, including the drawing, was complete on filing and entitled a filing date of July 11, 2005.

Deposit account 50-1701 will be refunded the amount of $130.00 remitted for the instant petition fee.

The application file will be directed to the Office of Initial Patent Examination for further processing with a filing date of July 11, 2005, using drawing filed on that date. The Office of Initial Patent Examination will issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

David A. Zornes
President HexaBlock, Inc.
4348 202nd Ave. NE
Sammamish WA 98074-6112

COPY MAILED
JUN 2 2 2006
OFFICE OF PETITIONS

In re Application of :
Zornes :
Application No. 60/698,745 : ON PETITION
Filed: July 12, 2005 :
Attorney Docket No. N/A :
For: SUPER CRITICAL FLUID RECOVERY OF HYDROCARBONS FROM HYDROCARBON BEARING FORMATIONS APPLYING FUEL CELL GAS IN-SITU

This is a decision on the petition under 37 CFR 1.10(d), filed October 26, 2005, requesting that the above-identified application be accorded a filing date of July 9, 2005, rather than the presently accorded filing date of July 12, 2005.

The petition under 37 CFR 1.10(d) is **dismissed**.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on July 9, 2005 and accordingly request a July 9, 2005 filing date for the application.

Unfortunately, (1) the copy of Express Mail Receipt no. ED712629296US and (2) the cited corroborating evidence of the correspondence's July 9, 2005 deposit in Express Mail service are missing from the petition.

Please submit (1) and (2) listed above and a reconsideration petition within two months of the mail date of this decision. No petition fee has been or will be charged in connection with this Rule 10(d) petition.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/698,775	07/13/2005		200	16113-036P01 / GP-581-PR-	9		

CONFIRMATION NO. 3597

CORRECTED FILING RECEIPT

26192
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000017194354

Date Mailed: 10/06/2005

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 M. Atenasio, Acton, MA;

Power of Attorney:

John Dragseth--42497

If Required, Foreign Filing License Granted: 07/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/698,775

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

Non-Publication Request: No

Early Publication Request: No

Title

Identifying locations

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

GRANTED

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

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication 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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BARLEY SNYDER
PO BOX 1559
LANCASTER PA 17608-1559

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FEB 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Lutz Biedermann	:	
Application No. 60/698,885	:	DECISION GRANTING PETITION
Filed: 12 July, 2005	:	
Atty Dckt No. 40510-1041	:	

This is a decision in reference to the petition filed on 15 August, 2005, under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 12 July, 2005, rather than the currently-accorded filing date of 13 July, 2005.

The petition is **granted**.

Petitioner asserts that the application was deposited in Express Mail Service on 12 July, 2005. In support, petitioner has provided a copy of the Express Mail Customer Label EO910997378US. (the same Express Mail number found on the itemized design application transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail label is "7-12-05".

As such, the showing of record is that the correct date of deposit in Express Mail is 12 July, 2005.

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

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 12 July, 2005, and for issuance of a corrected Filing Receipt.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

UNILEVER INTELLECTUAL PROPERTY GROUP
700 SYLVAN AVENUE,
BLDG C2 SOUTH
ENGLEWOOD CLIFFS NJ 07632-3100

COPY MAILED
AUG 28 2006
OFFICE OF PETITIONS

In re Application of :
Allan S. Bramley, Sarah J. :
Gray, Susan M. Turan, Daryl D. :
Spors, and Sonja Marie Frisch :
Application No. 60/699,127 : DECISION ON TWO PETITIONS
Filing Date: July 14, 2005 : UNDER 37 C.F.R. §1.182
Attorney Docket No. F3392(C) :
Title: LOW FAT FROZEN :
CONFECTIONERY PRODUCT :

This is in response to the submission of July 28, 2006, entitled "expedited petition under 37 C.F.R. §1.182 to correct the name of an inventor," which is properly treated as two petitions under Rule §1.182[1].

The petition under 37 C.F.R. §1.182 for expedited handling

This is a decision on the petition under 37 C.F.R. §1.182, filed July 28, 2006, requesting expedited handling.

Petitioner has not formally submitted a petition under 37 C.F.R. §1.182 for expedited handling. However, in a telephonic conference involving the undersigned and one Sunny Downs, the paralegal who submitted this petition to the Office, it was made clear that Ms. Downs intended to request expedited handing of this matter. As such, the header "expedited petition under 37 C.F.R. §1.182 to correct the name of an inventor" is properly construed as a petition for expedited handling.

Petitioner has thus requested that this petition receive expedited handling, and has included $400 for the petition fee.

1 The fee associated with the filing of a petition under this section is $400. The appropriate fees have been charged to Petitioner's Deposit Account, as authorized in the petition.

The first petition under 37 C.F.R. §1.182 is **GRANTED**. The petition will receive expedited handling.

The petition under 37 C.F.R §1.182 concerning the correction of the name of an inventor

This is a decision on the petition under 37 C.F.R. §1.182, filed July 28, 2006, to change the name of one of the joint inventors.

Petitioner has requested that the inventor formerly known as "Sonja Wagner" be listed as "Sonja Marie Frisch." Petitioner has submitted the petition fee, as well as an affidavit signed by both names.

The second petition under 37 C.F.R. §1.182 is **GRANTED**.

The inventors are now listed as:

Allan S. Bramley
Sarah J. Gray
Susan M. Turan
Daryl D. Spors
Sonja Marie Frisch

A corrected filing receipt has been enclosed.

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.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until

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).

such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

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

Encl. Corrected filing receipt

cc: Express Patents
2001 Jefferson Davis Highway, Suite 410
Arlington, VA 22202

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
60/699,464	07/15/2005		100	22727/04333	1		

CONFIRMATION NO. 6872

CORRECTED FILING RECEIPT

OC000000017860397

24024
CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Date Mailed: 01/18/2006

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)

Yang Liu, Columbus, OH;
Pan Zheng, Columbus, OH;
Kenneth May JR., Columbus, OH;
Ken Lute, Canal Winchester, OH;

Power of Attorney:
Kristin Frost--50627

If Required, Foreign Filing License Granted: 09/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/699,464

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

Human monoclonal anti-CTLA4 antibodies in cancer treatment

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Sep-05

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

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SEP 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Al-Abdulqader et al. :
Application No. 60/699,582 : DECISION ON PETITION
Filed: 15 July, 2005 :
Atty Docket No. 4159.3030(530) :

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 15 July, 2005, with one (1) sheet of drawings containing Figure 6A described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 15 July, 2005.

Accordingly, on 29 July, 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 15 July, 2005, but that Figure 6A described in the specification appeared to have been omitted.

In response, on 8 August, 2005, the present petition and a copy of, *inter alia*, one (1) sheet of drawings containing Figure 6A were filed. Petitioners argue that Figure 6A was filed with the other application papers on 15 July, 2005, 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 "071505" and the above-identified application number, and identifies the application by the attorney docket number, and acknowledges receipt of, *inter alia*, 98 sheets of drawings. Petitioners request that the application, including one (1) sheet of drawings containing Figure 6A, be accorded a filing date of 15 July, 2005.

A review of the record reveals that 97 sheets of drawings were received on 15 July, 2005. No Figure 6A is located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 15 July, 2005, included one (1) sheet of drawings containing Figure 6A, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 6A, is entitled to a filing date of 15 July, 2005.

The "Notice" mailed on 29 July, 2005, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, No. 50-0259, as the petition was necessitated by Office error.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 6A supplied on 8 August, 2005, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 15 July, 2005, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figure 6A supplied with the present petition, and for an indication in Office records that 98 sheets of drawings were present on filing.

Telephone inquires should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Reed IP Law Group
1400 Page Mill Road
Palo Alto, CA 94304-1124

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OCT 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Rajiv Bhushan, et al. :
Application No. 60/699,929 : DECISION DISMISSING
Filed: July 16, 2005 : PETITION
Attorney Docket No. 2150-0007PRV :

This is a decision on the petition under 37 CFR 1.10(d), filed September 2, 2005, requesting that the above-identified application be accorded a filing date of July 15, 2005, rather than the presently accorded date of July 16, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be forwarded to the Office of Initial Patent Examination with the presently accorded filing date of July 16, 2005.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on July 15, 2005, pursuant to the requirements of 37 CFR 1.10.

Paragraph (a) of 37 CFR 1.10 states that:

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

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the 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.

The petition lacks item (3).

Petitioner avers that Mr. Wilfred Sayo, an employee of the firm, deposited an Express Mail envelope containing this application (along with 3 other Express Mail envelopes containing 3 additional applications) in an Express Mail drop box on July 15, 2005 at 11:59 pm. The Express Mail number was EV721023496US. However, the application was accorded a filing date of July 16, 2005. In support of the statements presented, petitioner has provided a copy of the daily docket logbook, which shows the docket number; date; the Express Mail number; delivery time; Post Office location; and the initials of the person depositing the envelope.

Petitioner's arguments and evidence provided are not persuasive.

MPEP 513 in pertinent part states:

> The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one

> business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; **the time of the last scheduled pick-up for that date and place of deposit;** the depositor's initials or signature; **and the date and time of entry in the log. (Emphasis added)**

Petitioner has not indicated the time of the last scheduled pick-up for the drop box used to deposit the package in question. A paper or fee placed in an "Express Mail" box receptacle after the box has been cleared for the last time on a given day will be considered to be deposited as of the date of receipt ("date-in") indicated on the "Express Mail" mailing label by the Postal Service "Express Mail" acceptance clerk. 37 CFR 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an "Express Mail" drop box prior to last scheduled pick up of the day, that is, the time clearly marked on the "Express Mail" drop box indicating when the box will be cleared for the last time on the date of deposit. 37 CFR 1.10(d) sets forth the procedures to be followed to be entitled to such a correction. See MPEP 513. Petitioner must provide the time of the last scheduled pick-up for the referenced drop box.

Petitioner alleges that the package was deposited in the Express Mail drop box at 11:59 pm on July 15, 2005. However, a search conducted of the "Track and Confirm" section of the USPS website shows that the package was accepted at the San Francisco Post Office on July 16, 2005 at 8:33 pm. Additionally, the "Post Office Details" on the USPS website for the San Francisco Airport Mail Center shows the last collection as 8:00 pm. Copies of the search results and the "details" are enclosed herewith. It is reasonable to conclude that the "Track and Confirm" would show that the package was accepted by the postal service in the morning of Saturday, July 16, 2005 if it was, in fact, deposited in the drop box on July 15, 2005 at 11:59 pm. It **appears** that the envelope for this application was not deposited until some time after the first pickup but prior to the time of the last pickup, that is 8:00 pm. In view thereof, the explanation given in the petition is inconsistent with the findings of this Office. Petitioner should obtain a statement from a staff member at the San Francisco Post Office explaining that items placed in the drop box after close of business on a given night are not processed until after the last collection the following night.

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, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Marianne Jenkins at (571) 272-3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

Enclosure: Copy of the results from the search on the USPS website "Track & Confirm" for Express Mail No. EV721023496US
Copy of the Post Office Details for the San Francisco Airport Mail Center

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United States Patent and Trademark Office
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1400 PAGE MILL ROAD
PALO ALTO, CA 94304-1124

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APR 2 4 2006

OFFICE OF PETITIONS

In re Application of :
Bhushan, et al. :
Application No. 60/699,929 : DECISION ON PETITION
Filed: July 15, 2005 :
Attorney Docket No. 2150-0007PRV :

This is a decision on the renewed petition under 37 CFR 1.10(d), filed January 3, 2006, to accord the application a filing date of July 15, 2006.

The renewed petition is **granted.**

The record reflects that the subject application arrived at the Patent and Trademark Office in an Express Mail envelope with Express Mail label EV72102346US showing a date-in of July 17, 2005. It is noted that a petition under 37 CFR 1.10(d) was first filed on September 2, 2005, and dismissed by a decision mailed October 24, 2005. Petitioner should note that the author of that decision is no longer with the Office of Petitions. The instant renewed petition was filed on January 3, 2006, asserting that the application should have been accorded a filing date of January 15, 2005, as that was date the application was deposited with the United States Postal service (USPS) Express Mail service.

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

> 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 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 within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS[1].

[1] As per the guidance provided in MPEP § 513, petitioner has provided a copy of a page of a logbook noting the relevant Express Mail number, attorney docket number, place and time of deposit, and the depositor's initials.

All of the above requirements have been met. The application will, therefore, be accorded a filing date of July 15, 2005.

The application file is being forwarded to the Office of Initial Patent Examination where the application will be accorded a filing date of July 15, 2005, and a corrected filing receipt generated.

Telephone injuries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
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
60/699,929	07/15/2005		100	2150-0007PRV	4		

CONFIRMATION NO. 8992

CORRECTED FILING RECEIPT

23980
REED INTELLECTUAL PROPERTY LAW GROUP
1400 PAGE MILL ROAD
PALO ALTO, CA 94304-1124

OC000000018638270

Date Mailed: 04/27/2006

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)

Rajiv Bhushan, Palo Alto, CA;
Jerry Gin, Sunnyvale, CA;

Power of Attorney:

Flavio Rose--40791

If Required, Foreign Filing License Granted: 07/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/699,929

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

Prevention and treatment of ophthalmic complications of diabetes

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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NOV 30 2006

OFFICE OF PETITIONS

JOHN VANDEN BOSCHE
6571 LUNDE RD.
EVERSON WA 98247

In re Application of :
David Gregory Calley :
Application No.60/699,940 : DECISION GRANTING PETITION
Filed: July 15, 2005 : UNDER 37 CFR 1.137(b)
For: UNIVERSAL WIND TURBINE :

This is a decision on the petition under 37 CFR 1.137(b), filed July 4, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts Of Nonprovisional Application mailed August 1, 2005, 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, the above-identified application became abandoned on October 1, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

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

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
60/700,031	07/15/2005		200	50001/144:1	6		

CONFIRMATION NO. 7742

CORRECTED FILING RECEIPT

OC000000016900326

3528
STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204

Date Mailed: 08/30/2005

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 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)

David Martin Hemenway, Beaverton, OR;
Brady Nilsen, Beaverton, OR;
David Lo, Portland, OR;
Keith Grant, Aloha, OR;

Power of Attorney:
Paul Angello--30991

If Required, Foreign Filing License Granted: 07/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/700,031

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

Non-Publication Request: No

Early Publication Request: No

Title

Method of supressing distortion of a working laser beam of a laser link processing system

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, 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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STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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SEP 25 2006
OFFICE OF PETITIONS

In re Application :
Hemenway, et al. :
Application No. 60/700,031 : ON PETITION
Filed: July 15, 2005 :
Attorney Docket No. 50001/144:1 :
For: METHOD OF SUPRESSING DISTORTION OF A WORKING LASER BEAM OF A LASER LINK PROCESSING SYSTEM

This is a decision on the petition under 37 CFR 1.182, filed April 10, 2006 (certificate of mailing date April 7, 2006), to correct the name of the third listed joint inventor.

The petition is **GRANTED**.

The third listed inventor has been changed from "David Lo" to "Ho Wai Lo". Petitioners explain that David is Mr. Lo's nickname and that Ho Wai is his proper first and middle name. A replacement filing receipt reflecting this change is enclosed.

After the mailing of this decision, the file is being returned to the Office of Initial Patent Examination.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

enclosure: replacement filing receipt

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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
60/700,031	07/15/2005		200	50001/144:1	6		

CONFIRMATION NO. 7742

REPLACEMENT FILING RECEIPT

OC000000020378044

3528
STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

Date Mailed: 09/11/2006

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)

David Martin Hemenway, Beaverton, OR;
Brady Nilsen, Beaverton, OR;
Ho Wai Lo, Portland, OR;
Keith Grant, Aloha, OR;

Power of Attorney:

Paul Angello--30991

If Required, Foreign Filing License Granted: 07/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/700,031

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method of supressing distortion of a working laser beam of a laser link processing system

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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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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ROGERS TOWERS, P.A.
1301 RIVERPLACE BOULEVARD, SUITE 1500
JACKSONVILLE FL 32207

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AUG 15 2008

In re Application of	:	
Brownstein et al.	:	
Application No. 60/700,074	:	DECISION GRANTING
Filed: July 18, 2005	:	PETITION
Attorney Docket No. U0567.24P	:	

This is a decision on the petition filed August 10, 2005, requesting that the above-identified application be accorded a filing date of July 18, 2005, rather than the presently accorded date of July 19, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 18, 2005 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express mail label No. EV 368287265 US, showing a handwritten "date-in" of July 19, 2005, as well as a stamped USPS date of July 18, 2005. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service error and the correct date of mailing pursuant to 37 CFR 1.10 is July 18, 2005. The same Express Mail number appears on the original transmittal papers found in the application file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on July 18, 2005, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of July 18, 2005, and has been so accorded.

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

This application file is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to July 18, 2005 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Christopher Bottorff at (571) 272-6692. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Also, a related petition was filed in non provisional application no. 11/457,665, which has a different address of record than the present provisional application. If appropriate, a change of address should be filed in this provisional application in accordance with MPEP 601.03. A

courtesy copy of this decision is being mailed to the address given on the related petition in application no. 11/457,665; however, the Office will mail all future correspondence related to this provisional application solely to the address of record.

David Bucci
Petitions Examiner
Office of Petitions

cc: LAW OFFICES OF RONALD M ANDERSON
600 108TH AVE, NE
SUITE 507
BELLEVUE WA 98004

UNITED STATES PATENT AND TRADEMARK OFFICE

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DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE NY 11553

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OCT 1 8 2005

OFFICE OF PETITIONS

In re Application of :
Boehm, et al. :
Application No. 60/700,113 : DECISION GRANTING PETITION
Deposited: July 13, 2005 :
Attorney Docket No. 1199-19 :
FOR: DEVICE AND METHOD FOR USE TO CREATE MULTIPLE BONE GRAFTS FOR USE IN FUSION :

This is a decision on the petition filed October 3, 2005 (certificate of mailing date September 29, 2005) to accord a filing date of July 13, 2005 to the above-identified application.

The application was deposited on July 13, 2005. However, on July 29, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on July 13, 2005 describes drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, and filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description.

This provisional application contains a detailed written description with some disclosure for which a drawings is usually not considered essential for a filing date. Therefore, the application should have

been accorded a filing date.

In view of the above, the "Notice" mailed July 29, 2005, insofar as it pertains to the accordation of a filing date, was mailed in error and is hereby withdrawn. The Office should have accorded a filing date to the application and mailed a Notice of Omitted Items. The application is entitled to a filing date of July 13, 2005 without drawing figures. The petition is **granted**.

The $400.00 petition fee will be credited to deposit account no. 04-1121.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **July 13, 2005** and the mailing of a filing receipt reflecting the July 13, 2005 filing date.

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/700,120	07/15/2005		200	PR2187-1	14		

CONFIRMATION NO. 7520

CORRECTED FILING RECEIPT

OC000000016869879

09157
GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO, CA 94080

Date Mailed: 08/25/2005

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

Applicant(s)

Naveed Shams, Danville, CA;

Power of Attorney:

Steven Cui--44637

If Required, Foreign Filing License Granted: 07/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/700,120

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

Non-Publication Request: No

Early Publication Request: No

Title

Method for treating intraocular neovascular diseases

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is 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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FRAMPTON E. ELLIS, III
#2B
2895 S. ABINGDON
ARLINGTON VA 22206-1331

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OCT 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Frampton E. Ellis, III	:	DECISION ON PETITION
Application No. 60/700,119	:	
Filed: 18 July, 2005	:	
Atty Docket No. ELLFE505	:	

Receipt is acknowledged of the petition filed on 30 September, 2005, concerning the U.S. Patent and Trademark Office's handling of an application assigned application Serial No. 60/700,179.

The petition is dismissed.

The application was filed on 18 July, 2005. However, on 1 August, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Provisional Application stating that the application had been accorded a filing date of 18 July, 2005, and advising applicant that Figures 8, 39F, 49, 51, 53, and 55 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner asserts that Figures 8, 39F, 49, 51, 53, and 55 were not missing on 18 July, 2005. Instead, Figures 8, 39F, 49, 51, 53, and 55 described in the specification were included in the 116 drawing sheets filed on 18 July, 2005. In support, petitioner provided with the petition a postcard itemizing the filing of 116 sheets of drawings and Figures 1-127.

A review of the record reveals that 116 sheets of drawings were received on 18 July, 2005. However, Figures 8, 39F, 49, 51, 53, and 55 are not located within the sheets of 116 drawings received on 18 July, 2005.

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

Copied from 60700119 on 11/01/2005

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]

Petitioner's argument has been considered, but is not persuasive. The showing of record is that 116 sheets of drawings containing Figures 1-127 were received in the Office on 18 July, 2005, and petitioner's postcard receipt reflects that the Office received the items listed above. While the postcard itemizes the filing of drawings, the postcard receipt does not itemize the filing of Figures 8, 39F, 49, 51, 53, and 55, or any particular figures at all. Absent a showing that Figures 8, 39F, 49, 51, 53, and 55 were located within the 116 sheets of drawings received in the Office on 18 July, 2005, petitioner simply has no evidence that Figures 8, 39F, 49, 51, 53, and 55 were located among the application papers received in the Office on that date.

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.[2] Therefore, the sheets of drawings submitted with the present petition will not be used for processing as a part of the original application papers, but will be retained in the application file.

As the petition resulted from applicant's filing error and not as a result of an error on the part of the Office, the petition fee of $400.00 will not be refunded.

The application will be processed using the 116 sheets of drawings filed on 18 July, 2005.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 18 July, 2005, using the application papers present on filing.

---

[1] MPEP 503.

[2] See 37 CFR 1.53(c).

Copied from 60700119 on 11/01/2005

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

Copied from 60700119 on 11/01/2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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FRAMPTON E. ELLIS, III
#2B
2895 S. ABINGDON
ARLINGTON VA 22206-1331

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OFFICE OF PETITIONS

In re Application of :
Frampton E. Ellis, III : CORRECTED
Application No. 60/700,179 : DECISION ON PETITION
Filed: 18 July, 2005 :
Atty Docket No. ELLFE505 :

Receipt is acknowledged of the petition filed on 30 September, 2005, concerning the U.S. Patent and Trademark Office's handling of an application assigned application Serial No. 60/700,179.

The petition is dismissed.

The application was filed on 18 July, 2005. However, on 1 August, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Provisional Application stating that the application had been accorded a filing date of 18 July, 2005, and advising applicant that Figures 8, 39F, 49, 51, 53, and 55 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner asserts that Figures 8, 39F, 49, 51, 53, and 55 were not missing on 18 July, 2005. Instead, Figures 8, 39F, 49, 51, 53, and 55 described in the specification were included in the 116 drawing sheets filed on 18 July, 2005. In support, petitioner provided with the petition a postcard itemizing the filing of 116 sheets of drawings and Figures 1-127.

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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]

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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.[2] Therefore, the sheets of drawings submitted with the present petition will not be used for processing as a part of the original application papers, but will be retained in the application file.

As the petition resulted from applicant's filing error and not as a result of an error on the part of the Office, the petition fee of $400.00 will not be refunded.

The application will be processed using the 116 sheets of drawings filed on 18 July, 2005.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 18 July, 2005, using the application papers present on filing.

---

[1] MPEP 503.

[2] See 37 CFR 1.53(c).

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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1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

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SEP 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Jeffery M. Vance et al. :
Application No. 60/700,301 : DECISION ON PETITION
Filed: July 19, 2005 :
Attorney Docket No. 000250.00035 :

This is a decision on the petition filed August 25, 2005 under 37 CFR 1.53, in response to the Notice of Omitted Items mailed August 18, 2005.

On July 19, 2005, the application was filed. On August 18, 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 July 19, 2005, but that Figure 2 described in the specification appeared to have been omitted.

In response, one (1) sheet of drawings containing Figure 2 and the present petition were submitted. Petitioners assert that seven (7) sheets containing Figures 1-7 were filed with the other application papers on July 19, 2005. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of July 19, 2005, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of seven (7) sheets of drawings. Petitioners request that the application be considered complete with Figure 2 as of the date of filing, July 19, 2005.

A review of the record reveals that seven (7) sheets of drawings are located among the application papers deposited on July 19, 2005. There appears to be two pages of page 1 (Figure 1) and there is no page of drawings containing Figure 2. However, from the evidence presented it is obvious that there should have been seven sheets of drawings with Figure 2 on page 2. 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 Figure 2 as described in the specification, is entitled to a filing date of July 19, 2005.

The "Notice" mailed on August 18, 2005, is **VACATED**.

In view of the above, the petition is **GRANTED**. No petition fee is due and none has been charged.

The application will be processed, using the application papers filed on July 19, 2005, and the page of drawings containing Figure 2 supplied on August 25, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 19, 2005, using the application papers filed on July 19, 2005, and the one (1) drawing sheet containing Figure 2 supplied on August 25, 2005.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/700,559	07/18/2005		700	667.P2			

CONFIRMATION NO. 2337

CORRECTED FILING RECEIPT

OC000000017196980

James J. Wong
Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404

Date Mailed: 10/07/2005

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)

Xiaoning C. Sheng, Foster City, CA;

Power of Attorney:

James Wong–34949

If Required, Foreign Filing License Granted: 08/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/700,559

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

Non-Publication Request: No

Early Publication Request: No

Title

Antiviral 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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BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

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JAN 0 9 2006

OFFICE OF PETITIONS

In re Application of :
Donald C. Boyle :
Application No. 60/700,597 :
Filed: July 19, 2005 : DECISION ON PETITION
Title of Invention: PORTABLE :
RESTRAINT SYSTEM AND MOUNTING :
ASSEMBLY :

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Provisional Application, filed August 12, 2004.

The above-identified application was filed on July 19, 2005. In response, on August 1, 2005, 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, Figure 18 described in the specification appeared to have been omitted from the application.

Applicant files the instant petition and submits drawing Figure 18. Applicant submits no documentary support for this assertion.

A review of the August 1, 2005 Notice reveals that the Notice presented Applicant with two options. The first option was based upon a contention that the drawing Figure was present on filing, and in that instance Applicant was allowed to promptly file proof that the drawing 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 option 1, 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 Figure 18 was present on July 19, 2005, Applicant should submit such evidence in a Request for Reconsideration of Petition.

Regarding Applicant's submission of drawing Figure 18, 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 July 19, 2005, using the application papers filed on that date, and an indication that drawing Figure 18 was NOT present on filing and that no drawing Figure 18 is part of the provisional application disclosure.

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

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

Derek L. Woods
Attorney
Office of Petitions

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RONALD ROSENBERGER
506 STERLING ST.
NEWTOWN PA 18940

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SEP 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Ronald Rosenberger :
Application No. 60/700,602 : DECISION GRANTING PETITION
Filed: July 19, 2005 :
Title of Invention: MULTIPLE ACCOUNT :
MULTIPLE PARAMETER METHOD,
APPARATUS AND SYSTEMS FOR
TRANSACTION PROCESSOR

This is a decision on the petition filed August 9, 2005, requesting that the above-identified provisional application be accorded a filing date of July 19, 2005, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on July 19, 2005, without drawings. Accordingly, on August 1, 2005, 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 the present application is a continuation in part of pending application no. 10/865,188 filed June 10, 2004 and incorporates the prior application by reference.

The argument regarding the incorporation by reference fails because the relationship between the '188 and the '602 applications required for a proper priority claim has not been established.[1]

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

MPEP § 601.01(f) also states that:

---

[1] 35 U.S.C.120 does not provide for a provisional application claiming the benefit of a prior filed non-provisional application.

> 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 August 1, 2005, was mailed in error and is hereby withdrawn. Therein, no petition fee is due and petitioner will receive a refund in the amount of $130.00 in due course. Petitioner is advised however that if a petition fee had been required it would have been in the amount of $400.00 and not $130.00.[2]

Since the instant application, filed under 37 CFR 1.53(c), is copied from the '188 application, with new matter added, since applicant will not have the benefit of claiming priority from the '602 to the '188 application, and since the '188 application is still pending, applicant does have the option of either converting the '602 application to a non-provisional application under 37 CFR 1.53(b) or to filing a continuation application.

The application is accorded a filing date of July 19, 2005, 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 July 19, 2005, 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
Senior Petitions Attorney
Office of Petitions

[2]Effective November 22, 2004, the petition fee was increased from $130.00 to $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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JAN 19 2007

OFFICE OF PETITIONS

PHILIP J. HOFFMANN
72 ENGLISH LANE
SHELTON, CT 06484

In re Application of	:	
Young P. Hong	:	
Application No. 60/700,655	:	DECISION ON PETITION
Filed: July 19, 2005	:	TO WITHDRAW
Attorney Docket No. 1972-0001USP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 2005.

The request is **NOT APPROVED**.

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

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

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

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

Denise Pother
Petitions Examiner
Office of Petitions

cc: Young P. Hong
4468 2nd Street
Los Angeles, CA 90004

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
60/700,957	07/20/2005		200	TSM05-0118P	7		

CONFIRMATION NO. 3649

43859
SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

CORRECTED FILING RECEIPT

OC000000017061781

Date Mailed: 09/21/2005

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 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)

Jhon-Jhy Liaw, Hsin-Chu, TAIWAN;

Power of Attorney:

Steven Slater--35361

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

Non-Publication Request: No

Early Publication Request: No

Title

Memory cell and manufacturing methods

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same

effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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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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DIW Oct-05

MARSHALL A. LERNER
SUITE 1080
2049 CENTURY PARK E.
LOS ANGELES CA 90067

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Singleton et al.	:	
Application No. 60/700,962	:	DECISION ON PETITION
Filed: 19 July, 2005	:	
Atty Docket No. 241146.16147	:	

This is a decision on the petition under 37 CFR 1.10(d)[1] filed on 29 August, 2005, requesting that the above-identified application be accorded a filing date of 19 July, 2005, instead of the presently accorded filing date of 20 July, 2005.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on 19 July, 2005, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail label identified in the original application shows a "date-in" of 20 July, 2005. Applicant is alleging that the date of mailing shown by the Express Mail

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[1] 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.

receipt is a U.S. Postal Service (USPS) error and that the correct date of mailing is 19 July, 2005.

In support, the petition is accompanied by a declaration of Albert Broussard. Mr. Broussard states that he deposited the Express Mail envelope containing the above-identified application in an Express Mail drop box at 2049 Century Park East, Los Angeles, CA 90067 on 19 July, 2005, at approximately 2:30 pm, and that the last pickup of the day was scheduled for 3:00 pm. Mr. Broussard further asserts that he completed a mail log entry, a copy of which accompanies the present petition, subsequently and within one day of the deposit of the application in the Express Mail drop box on 19 July, 2005. A copy of the Express Mail label bearing No. EV627184247US (the same Express Mail number found on the original application papers located in the official file) and a copy of petitioner's "Statement of Actions Indicated on Express Mail Log", which indicates that Mr. Broussard deposited the above-identified Express Mail shipment with the USPS on 19 July, 2005, and completed the statement on the same day,, were also filed with the petition.

In view of the evidence present in the file, it is concluded that the "date-in" shown on the Express Mail label is incorrect and that the correct date of deposit in Express Mail service is 19 July, 2005.

In view of the above, the application is entitled to a filing date of 19 July, 2005. The petition is granted.

After mailing of this decision, the $400.00 petition fee will be credited to counsel's deposit account, No. 01-2224 as authorized in the transmittal letter.

Thereafter, the application will be returned to Initial Patent Examination Division for correction of the filing date to 19 July, 2005.

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

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SEP 27 2005

OFFICE OF PETITIONS

In re Application of :
Lin, et al. :
Application No. 60/701,490 : DECISION GRANTING PETITION
Filed: July 22, 2005 :
Attorney Docket No.8940.6189 :

This is a decision on the petition filed September 16, 2005, requesting that the above-identified application be accorded a filing date of July 22, 2005.

The petition is **granted**.

On July 22, 2005, the above-identified application was filed. On August 4, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (the "Notice"), stating that the application had not been accorded a filing date because the drawings were not found with application papers, but appeared to be required. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on September 16, 2005, applicants filed the present petition and a copy of drawings filed with the original application papers, and a postcard receipt date-stamped by the Office acknowledging receipt of 25 pages of drawings on July 22, 2005, among other items.

Upon review of the record, the drawings were not located among the originally filed application papers. The evidence is convincing, however that 25 pages of drawings were present on July 22, 2005. Therefore, the application, including the 25 pages of drawings, was complete on filing and entitled a filing date of July 22, 2005.

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

The application file will be directed to the Office of Initial Patent Examination for further processing with a filing date of July 22, 2005, using the 25 sheets of drawings filed on that date. The Office of Initial Patent Examination will issue a corrected filing receipt.

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

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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
60/701,548	07/22/2005		100	CON-137J	10		

CONFIRMATION NO. 8112

32488
IANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM, MA 02451-1018

CORRECTED FILING RECEIPT

OC000000016938635

Date Mailed: 09/02/2005

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

Applicant(s)

Ronald B. Cohen, Hopkinton, MA;

Power of Attorney:

Roy Coleman--48863

If Required, Foreign Filing License Granted: 08/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/701,548

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Locking mechanism for a folding chair

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

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

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Ziegert : DECISION ON PETITION
Application No. 60/702,021 :
Filed: July 20, 2005 :
Atty. Dkt. No.: 49648/290500 :

This decision is in response on the "Petition To Grant Filing Date And To Refund Petition Fee 37 CFR § 1.53(e)," filed August 8, 2005. This matter is being treated under 37 CFR 1.10(c) to accord the above-identified application a filing date of July 20, 2005 rather than the previously accorded filing date of July 22, 2005.

Petitioner alleges that the application was deposited in Express Mail service July 20, 2005. As supporting evidence, petitioner has provided a copy of an Express Mail label bearing tracking number EL952536156US (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 July 22, 2005 and a postmark of July 20, 2005. A review of the USPS Track & Confirm record for the referenced label number confirms that the package bearing said label number was deposited into Express Mail service on July 20, 2005 as argued.

In view of the above, the petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of July 20, 2005 is hereby **GRANTED**.

No fee is due in connection with this petition.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of July 20, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

John P. White, Esq.
Cooper and Dunham LLP
1185 Avenue of the Americas
New York NY 10036

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OCT 2 7 2005

OFFICE OF PETITIONS

In re Application of
William C. Olson et al.
Application No. 60/702,064
Filed: July 22, 2005
Attorney Docket No.: 74841-PRO/JPW/AJM/AJD
Title: METHODS FOR REDUCING VIRAL LOAD IN HIV-1-INFECTED PATIENTS

DECISION ON PETITION UNDER 37 C.F.R. §1.182

This is a decision on the petition filed October 14, 2005, requesting that the above-identified application, including Figures 10, 11, and 12, be accorded a filing date of July 22, 2005 as part of the original disclosure.

The application was deposited on July 22, 2005. However, on August 9, 2005, 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 it appeared as though Figures 10, 11, and 12 had been omitted. The notice set a two-month period of reply.

In response, on October 14, 2005, applicants filed the present petition. The petition is further accompanied by a copy of Figures 10, 11, and 12, along with a copy of applicants' postcard receipt acknowledging receipt of "figures (12 pages)" in the United States Patent and Trademark Office (Office) on July 22, 2005. Applicants request that Figures 10, 11, and 12 be accorded a filing date of July 22, 2005.

Upon review of the electronic file, Figure 10 has been located among the application papers, but Figures 11 and 12 have not: the electronic file contains 10 pages of drawings, consisting of Figures 1-10. However, the evidence is convincing that the application papers deposited on July 22, 2005 included Figures 11, and 12, and the sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 10, 11, and 12, was complete on filing and entitled to a filing date of July 22, 2005 as part of the original disclosure.

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

The portion of the notice pertaining to the missing figures mailed June 29, 2005 was sent in error, and that portion is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee has not been charged to Petitioner's Deposit Account.

OIPE will be advised to process the application with a filing date of July 22, 2005, using the original application papers filed on that date, as well as Figures 11, and 12 submitted on October 14, 2005, and for noting in Office records that these pages were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Receipt of the Provisional Application for Patent Cover Sheet is acknowledged.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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HERBERT L. ALLEN
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO, FL 32802-3791

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of :
Thayer, et al. : ON PETITION
Application No. 60/702,123 :
Received: July 25, 2005 :
Docket No.: 10625 40 :

The above-identified application has been referred to the Office of Petitions for consideration of "APPLICANT'S SUBMISSION OF ADDITIONAL DRAWING SHEETS," filed August 15, 2005. This matter is being treated under 37 CFR 1.182 as a petition to the above-identified application a filing date of July 25, 2005.

The application was received by the USPTO on July 25, 2005. On August 9, 2005, a Notice Incomplete Provisional Application ("Notice") was mailed indicating that the application had not been accorded a filing date because the application as submitted lacked drawings in accordance with 35 USC 113.

The Notice indicated that the filing date of the application would be the date of receipt of the required drawings. The Notice further indicated that any assertions that the items required were submitted, or were not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions and required the submission of the required petition fee, currently $400.00.

Submission of the required $400.00 petition fee is a prerequisite for treatment on the merits for any submission requesting accordance of a filing date. The instant petition lacks the requisite fee. Accordingly, the petition is **DISMISSED WITHOUT PREJUDICE**.

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
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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HERBERT L. ALLEN
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO FL 32802-3791

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JAN 09 2006

OFFICE OF PETITIONS

In re Application of :
Thayer, et al. :
Filed: July 25, 2005 : ON PETITION
Application No. 60/702,123 :
Atty. Dkt. No.: 10625 40 :

This decision is in response to the "PETITION TO COMMISSIONER FOR PATENTS," filed September 22, 2005.

The application was filed July 25, 2005. The Notice of Incomplete Provisional Application (Notice) mailed August 9, 2005 indicated that the application had not been accorded a filing date but the application appeared to have been submitted without drawings are required per 35 USC 113.

In response, the instant renewed petition was filed wherein petitioners argue that the application as deposited included two sheets of drawings. Petitioners have included as proof of mailing and proof of receipt of the two sheets of drawings a return postcard date stamped by the Office on July 25, 2005. A copy of the two sheets of drawings purportedly filed with the application on July 25, 2005 was submitted herewith.

The original two sheets of drawings submitted with the application papers have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of July 25, 2005 is GRANTED.

Since the original two sheets of drawings cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of July 25, 2005.

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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

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OCT 27 2005

OFFICE OF PETITIONS

In re Application of :
Sabatini, et al. :
Application No. 60/702,477 : ON PETITION
Filed: July 26, 2005 :
Attorney Docket No. 50347/003001 :

This is a decision on the petition filed October 14, 2005, requesting that the above identified provisional application be accorded a filing date of July 26, 2005.

The provisional application was deposited on July 26, 2005. However, on August 19, 2005, 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. It is noted that the specification, submitted on July 26, 2005, includes the description of Figures 1A-3B.

In response to the Notice, on October 14, 2005, the instant petition was filed.

Petitioner states, in pertinent part, "In this Notice, the Office alleges that drawings are required under 35 U.S.C. 113 to understand the subject matter sought to be patented. Applicant respectfully disagrees.

> M.P.E.P. 601.01(f) states:
>
> > 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."

It is noted that the petition contains the statement that drawings are not necessary for an understanding of the subject matter and the petition is signed by a registered practitioner.

Additionally, 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 is necessary and cannot be refunded.

The provisional application will be returned to the Office of Initial Patent Examination for processing with a filing date of July 26, 2005, with zero (0) drawings received on that date, and issuance of a filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
60/703,105	07/28/2005		200	BP4633	17		

CONFIRMATION NO. 4440

51472
GARLICK HARRISON & MARKISON LLP
P.O. BOX 160727
AUSTIN, TX 78716-0727

CORRECTED FILING RECEIPT

OC000000017048963

Date Mailed: 09/19/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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 David Hahm, Hartland, WI;
Li Fung Chang, Holmdel, NJ;

Power of Attorney:

Bruce Garlick--36520

If Required, Foreign Filing License Granted: 08/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/703,105

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

Non-Publication Request: No

Early Publication Request: No

Title

WCDMA terminal baseband processing module having multi-path scanner module

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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

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 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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www.uspto.gov

Paper No. None

Bernard Conaway
800 North Bond ST
Baltimore MD 21205

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MAR 12 2007

OFFICE OF PETITIONS

In re Application of :
Bernard Lewis Conaway :
Application No. 60/703,975 : DECISION ON PETITION
Filed: August 1, 2005 : UNDER 37 C.F.R. §1.137(A)
Title: CON-A-WAVE :

This is a decision on the petition filed December 4, 2006, under 37 C.F.R. §1.137(a)[1], to revive the above-identified application. Copies of this petition were subsequently submitted on December 6, 2006 and December 12, 2006.

It is noted that the fee associated with the filing of a petition under this section of the C.F.R. is $250, and Petitioner has submitted $750. The excess $500 will be refunded, via the preparation of a Treasury Check in due course.

The present application was filed on August 1, 2005. Pursuant to 35 U.S.C. §111(5), a provisional application "shall be regarded as abandoned 12 months after the filing date of such application." Consequently, the present application became abandoned at midnight on August 1, 2006.

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1 A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. §1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. §1.20(d)) required pursuant to paragraph (d) of this section.

With the present application, Petitioner has asserted that due to his mental illness, it is difficult for him to focus, and he was unable to remember that the present application was set to expire. Furthermore, when he came to the realization that the 12-month period had passed, he was "not financially capable of producing the fees necessary to go forward."

Petitioner will note the revival of a provisional application subsequent to the expiration of the 12-month period is explicitly prohibited by 35 U.S.C. §111(5), which sets forth, *in toto*:

> ABANDONMENT.-Notwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to section 119(e)(3) of this title, if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period (emphasis added).

It follows that the present petition must be **DISMISSED.**

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

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4].

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

The Office reminds Applicant that the Office cannot waive or suspend the requirements of a statute, as the waiver or suspension of a statute is beyond the discretion or the authority of the Office[5].

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

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

cc: Bernard Lewis Conaway
922 Ashbridge Drive, Apt. J
Essex, MD 21221

---

5 See A. F. Stoddard & Co. v. Dann, 184 U.S. App. D.C. 71, 564 F.2d 556, 1977 U.S. App. LEXIS 11815, 195 U.S.P.Q. (BNA) 97 (1977) ("Executive Branch agencies, such as the PTO, having the obligation to carry out their duties under their authorizing statutes, and if they would avoid an exercise of the powers of another Branch, must in almost every case, follow the strict provisions of the applicable statute.").

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

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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
60/704,006	07/27/2005		100	9P01.1-010	1		

CONFIRMATION NO. 9318

CORRECTED FILING RECEIPT

OC000000016937518

23506
GARDNER GROFF, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

Date Mailed: 09/06/2005

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)

Ernest Jefferson Holder, Marietta, GA;

Power of Attorney:

Daniel Santos–40158

If Required, Foreign Filing License Granted: 08/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/704,006

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods, apparatuses and systems for performing object position determination

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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CLARK & ELBING
101 FEDERAL STREET
BOSTON, MA 02110

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FEB 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Lotien Richard Huang et al	:	DECISION GRANTING
Application No. 60/704,067	:	PETITION
Filed: July 29, 2005	:	
Attorney Docket No. 50254/018001	:	

This is a decision on the petition under 37 CFR 1.10(c), filed October 26, 2005, which is being treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of July 29, 2005, rather than the presently accorded filing date of July 26, 2005.

Petitioner requests the later filing date on the basis that the application was purportedly deposited in Express Mail service on July 29, 2005, pursuant to the requirements of 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV450824880US bears a handwritten "date-in" of July 2, 2005, it also includes a USPS date stamp receipt dated July 29, 2005. The same Express Mail Number was found on the utility patent application transmittal 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. However, in view of the conflicting dates on the Express Mail label, a request of the USPS's restoration information for Track/Confirm Express Mail label No. EV450824880US reveals that the package in question was accepted on July 29, 2005 (copy attached).

In view of the available evidence, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on July 29, 2005. Accordingly, the instant application is entitled to a filing date of July 29, 2005, 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.

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

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: EV45 0824 880U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
Delivered 5:16am	ALEXANDRIA VA 22313	08/01/05
Arrival at 9:18am Pick-Up-Point	ALEXANDRIA VA 22313	07/30/05
Arrival at Unit 9:09am	DULLES VA 20102	07/30/05
Acceptance 7:15pm	BOSTON MA 02205	07/29/05

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
60/704,110	07/28/2005		100	M2011-700100			

CONFIRMATION NO. 1607

37462
LOWRIE, LANDO & ANASTASI
RIVERFRONT OFFICE
ONE MAIN STREET, ELEVENTH FLOOR
CAMBRIDGE, MA 02142

CORRECTED FILING RECEIPT

OC000000017467536

Date Mailed: 11/16/2005

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

Applicant(s)

Rakesh Kushwaha, Marlboro, NJ;
Mark Edwards, Westfield, NJ;
Badri Nath, Edison, NJ;

Power of Attorney:

Robert Skrivanek--41316

If Required, Foreign Filing License Granted: 08/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/704,110

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 to establish quarantine on wireless data terminals using anti-virus management software

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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 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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PRESTON GATES & ELLIS LLP
1900 MAIN STREET, SUITE 600
IRVINE CA 92614-7319

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Boss et al.	:	
Application No. 60/704,295	:	ON PETITION
Filed: 1 August, 2005	:	
Atty Docket No. 51300-00022	:	

This is a decision on the paper filed on 6 September, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of 1 August, 2005.

The petition is **GRANTED**.

The application was filed on 1 August, 2005, without drawings. Accordingly, on 15 August, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application stating that the application had been deposited without drawings. On 1 September, 2005, petitioners submitted a reply to the Notice including two (2) sheets of drawings.

On 6 September, 2005, 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 1 August, 2005, 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 15 method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 15 August, 2005, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on 1 August, 2005.

The application is accorded a filing date of 1 August, 2005, without drawings as a part of the original disclosure. The petition fee paid of $400.00 will be credited to counsel's deposit account, No. 50-3207.

The two (2) sheets of drawings filed on 1 September, 2005, will not be considered part of the original disclosure, but will be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 1 August, 2005, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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FELIX L. FISCHER, ATTORNEY AT LAW
1607 MISSION DRIVE
SUITE 204
SOLVANG, CA 93463

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MAR 27 2006

OFFICE OF PETITIONS

In re Application of :
Hector Gomez :
Application No. 60/704,755 : ON PETITION
Filed: August 1, 2005 :
Attorney Docket No.: B001 10019P :

This is a decision on the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.52(e)(3)(i).

The petition is **dismissed.**

The subject application was filed on August 1, 2005, with CD-R media that employs ShockWave Flash programming. A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed on August 26, 2005, noting that the compact discs filed did not comply with 37 CFR 1.52 because the compact disc did not comply with American Standard Code for Information Interchange (ASCII). The Notice allowed a period for reply of two month from its mailing date. Extension of time were available pursuant to 37 CFR 1.136(a). On October 27, 2005 (certificate of mailing dated October 24, 2005), the instant petition was filed requesting waiver of the requirements of 37 CFR 1.52(e)(3)(i) pursuant to 37 CFR 1.183.

It is noted that 37 CFR 1.52(e)(3)(i) provides that:

> Each compact discs must conform to the International Standards (ISO) 9660 standard, and the contents of each compact disc must be in compliance with the American Standard Code for Information Interchange (ASCII). CD-R discs must be finalized so that they are closed to further writing to the CD-R.

The undersigned sought counsel from various relevant departments of the United States Patent and Trademark Office (USPTO) as to the rigidity of this technical requirement of 37 CFR 1.52(e)(3)(i) and was advised that the Office is strictly enforcing the requirement that compact discs submitted to be included as part of the specification of an application conform to ASCII. Accordingly, the petition to suspend 37 CFR 1.52(e)(3)(i) cannot be granted. It was suggested, however, that petitioner submit an Information Disclosure Statement (IDS) form with CD-R media listed as an exhibit. The CD-R media would then be placed in the application file, but would not be part of the specification, including the CD appendix.

As an extended period has passed since the petition was filed and the maximum period for response to the "Notice to File Missing Parts of Nonprovisional Application" is close to expiring, the instant petition will also be interpreted as a reply to the Notice noting that the CD-R media filed on August 1, 2005, should not be considered part of the specification thereby eliminating the alleged "missing part."

The application file is directed to the Office of Initial Patent Examination for further processing with the papers filed on August 1, 2005, excluding the CD-R media.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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MAR 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Richard E. Gliklich, et al. :
Application No.: 60/705,030 : ON PETITION
Filed: August 3, 2005 :
Attorney Docket No. 00633-066P01 :

This is a decision on the petition under 37 CFR 1.182, filed August 3, 2006, to correct the spelling of one of the inventor's name.

The petition is GRANTED.

USPTO records will be corrected as follows:

The second inventor's name will be changed from "William Mathew White" to "William Matthew White."

As authorized, the $400 fee for the petition under 37 CFR 1.182 will be charged to petitioner's deposit account. A corrected Filing Receipt is enclosed.

It is noted that the address given on the petition differs from the address of record. If appropriate, 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, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

cc: FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON, MA 02110-2804

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	TOT CLMS	IND CLMS
60/705,030	08/03/2005		100	00633-066P01		

CONFIRMATION NO. 3441

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

CORRECTED FILING RECEIPT

OC000000022756307

OC000000022756307

Date Mailed: 03/06/2007

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)

Richard E. Gliklich, Weston, MA;
William Matthew White, South Boston, MA;

Power of Attorney:

Faustino Lichauco--41942

If Required, Foreign Filing License Granted: 08/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/705,030

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

Targeted muscle ablation for reducing signs of aging

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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GRANTED

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NOT GRANTED

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60/705,223	08/03/2005		200	TECHP004P2			

CONFIRMATION NO. 4734

CORRECTED FILING RECEIPT

022434
BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

OC000000017002589

Date Mailed: 09/14/2005

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)

David L. Sifry, San Francisco, CA;
Brian Pinkerton, Woodside, CA;
Richard P. Ault JR., San Francisco, CA;
Dorion Carroll, Oakland, CA;

Power of Attorney:

Joseph Villeneuve--37460

If Required, Foreign Filing License Granted: 08/17/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/705,223

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

Non-Publication Request: No

Early Publication Request: No

Title

Techniques for analyzing and presenting information in an event-based data aggregation system

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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PTT LLC (d/b/a HIGH 5 GAMES)
STE 2
150 AIRPORT EXECUTIVE PARK
NANUET, NY 10954

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OCT 2 7 2005

OFFICE OF PETITIONS

In re Application of :
Marks, et al. :
Application No. 60/705,374 :
Filed: August 4, 2005 :
Attorney Docket No. Total Bet Multiplier :

ON PETITION

This is a decision on the petition filed October 13, 2005, requesting that the above identified provisional application be accorded a filing date of August 4, 2005 including Figures 1-7.

The provisional application was submitted on August 4, 2005. However, on August 19, 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 October 13, 2005, the instant petition was filed.

Petitioner states:
"It is our position that the application does not require separate drawings for a filing date. The application contains 'figures' that are text examples which belong in the surrounding paragraphs."

Under the facts of this case, this provisional application is entitled, for a filing date including Figures 1-7, 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/figures are, as here, not separated. As such, the Notice of August 19, 2005 regarding the drawings, was mailed in error and is vacated.

Accordingly, the petition is granted.

The petition fee will be refunded by treasury check.

This provisional application is being forwarded to the Office of Initial Patent Examination, for further processing with a filing date of August 4, 2005 including Figures 1-7 found in the specification.

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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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of	:	
Orn Almarsson et al	:	
Application No. 60/705,598	:	DECISION GRANTING FILING
Filed: August 4, 2005	:	DATE OF AUGUST 4, 2005
Attorney Docket No. TPIP74+	:	

This is a decision on the petition filed October 27, 2006 and resubmitted on November 3, 2006 under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of August 4, 2005, rather than the presently accorded filing date of August 5, 2005.

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. EV297551344US showing a date stamp of August 4, 2005, by the USPS in Wellesley Hills MA. The same Express Mail receipt number appears on the original Application Transmittal filed with the instant application.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on August 4, 2005.

It is noted that the above petition was filed using Application No. 11/462,142. However, the petition should be decided in Provisional Application No. 60/705,598 where the error occurred. Therefore, the petition papers were processed for Provisional Application No. 60/705,598.

The petition is **granted**.

Telephone inquiries specific to this matter should be directed to Karen Creasy at (571) 272-3208.

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
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CALIFORNIA INSTITUTE OF TECHNOLOGY
1200 E.CALIFORNIA BLVD.
M/C 201-85
PASADENA, CA 91125

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NOV 18 2005

OFFICE OF PETITIONS

In re Application of :
Morral, et al. :
Filed: August 3, 2005 : ON PETITION
Application No. 60/705,619 :
Dkt. No.: CIT-4438-P :

The above-identified application has been referred to the Office of Petitions for consideration of the "PETITION TO ACCORD A FILING DATE," filed October 25, 2005, requesting that the above-identified application be accorded a filing date of August 3, 2005 and requesting a refund of the petition fee submitted herewith.

The petition is **GRANTED**.

The application was filed August 3, 2005. On August 25, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional 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 omitted items. Any assertion that the omitted items were in fact submitted or are not necessary for a filing date must be by way of petition.

Petitioners argue that drawings are not necessary for an understanding of the claimed invention.

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 (or composition) 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 process, method, or composition claim. As it is USPTO practice to treat a provisional application that contains at least some disclosure of a process or method (or composition) as an application for which a drawing is not necessary, the application, as submitted, was entitled to a filing date of August 3, 2005. Thus, the instant petition to accord the application a filing date is unnecessary and the Notice of Incomplete Application mailed August 25, 2005 was mailed in error and is hereby withdrawn.

The application will be processed with only the papers present on August 3, 2005, without drawings as part of the original disclosure.

No fee is due in connection with this matter. A refund of the previously submitted petition fee has been requested on petitioners' behalf.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 3, 2005 using only the papers present on that day and without entry of any drawings into the record.

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

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
60/705,716	08/03/2005		950	480102.420P2	51		

CONFIRMATION NO. 6434

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

CORRECTED FILING RECEIPT

OC000000017051392

Date Mailed: 09/20/2005

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

Applicant(s)

Bertrand M. C. Plouvier, Vancouver, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number **00500**.

If Required, Foreign Filing License Granted: 08/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/705,716

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

Non-Publication Request: No

Early Publication Request: No

Title

Synthetic process for aminocyclohexyl ether 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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PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS MO 63102-2740

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OFFICE OF PETITIONS

In re Application of :
Samuel Achilefu :
Application No. 60/705,731 :
Filed: August 4, 2005 :
Attorney Docket No. 15060-99 :

DECISION ON PETITION

This is a decision on the petition filed November 8, 2005, requesting that the United States Patent and Trademark Office (Office) accord the above-identified provisional application a filing date of August 4, 2005, with Figures 11A and 11B as a part of the original disclosure.

On August 4, 2005, petitioner filed the above-identified provisional application. On September 8, 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 August 4, 2005, but that Figure 11 described in the specification appeared to have been omitted from the application. Additionally, the Notice required petitioner to pay the statutory basic filing fee and a surcharge for the late payment. The Notice set a two (2) month extendable period for reply.

In response, on November 8, 2005, petitioner submitted the present petition, one sheet of drawings (Figures 11A and 11B), and an authorization to charge the Deposit Account in the amount of $125.00 for the statutory basic filing fee and the surcharge. Petitioner requested to "... have Fig. 11 added to the specification, incorporated therein by reference in its entirety and given the benefit of the filing date of August 4, 2005." *Petition dated November 8, 2005, p. 1.*

It is noted that the USPTO file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that Figures 11A and 11 B were not present among the application papers received on August 4, 2005. 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 Figures 11A and 11B were not submitted with the original application papers, the application cannot be accorded a filing date of August 4, 2005, with Figures 11A and 11B as a part of the original disclosure.

Moreover, the Office reminds petitioner 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(c)(IV).

Initially, the Office notes that original application papers did not include an incorporation by reference statement. Moreover, a petitioner 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.

Petitioner is advised that the option to elect a later filing date, *i.e.*, the date of submission of an omitted figures, is not available in a provisional application.[1] Therefore, if petitioner desires to have Figures 11A and 11B considered as part of the application, petitioner should simply file a new completed provisional application that includes Figures 11A and 11B.

The application will be processed using only the application papers present on August 4, 2005. Figures 11A and 11B will **not** be considered as part of the original disclosure.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

[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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SUITE 3800
CHICAGO IL 60661

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OFFICE OF PETITIONS

In re Application of
Hartgrove et al.
Application No. 60/705,945
Deposited: August 5, 2005
Attorney Docket No. PGI6044P5550US
Title of Invention: DURABLE FLAME-RETARDANT NONWOVEN FABRIC

DECISION GRANTING PETITION

This is a decision on the petition filed October 31, 2005 (certificate of mailing October 19, 2005), requesting that the above-identified provisional application be accorded a filing date of August 5, 2005.

The application was deposited on August 5, 2005. However, on August 23, 2005, 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 31, 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 August 5, 2005 filing date without any drawings.

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

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. Deposit account 23-0785 will be refunded the $130.00 submitted towards 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 **August 5, 2005**, 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
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 25 2006

OFFICE OF PETITIONS

Kevin Grinstead
6224 Price Dr.
N. Richland Hills, TX 76180

In re Application of

Kevin W. Grinstead : ON PETITION

Application No. 60/706,511

Filing Date: August 8, 2005

Attorney Docket No.

This is a decision on the petition under 37 CFR §1.137(b), filed July 27, 2006, in the above-identified application.

The petition is **dismissed**.

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application mailed October 17, 2005. The notice allowed a shortened period for reply of two months from its mailing date. No reply was received within the allowable period, and the application became abandoned on December 18, 2005. A Notice of Abandonment was mailed on June 26, 2006.

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

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

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

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

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

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

As to item (2), the fee for the instant petition is $750.00 for a small entity. The instant petition was accompanied by only $500.00 earmarked for the petition fee. Petitioner will need to remit an additional $250.00 for the petition fee before the petition will be considered grantable.

Petitioner is also advised that the term of a provisional application is one year from the filing date of the application. The instant provisional application was abandoned by operation of law on August 8, 2006. The application may be revived for purposes of establishing continuity with a non-provisional application, but will be abandoned again thereafter.

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

By mail: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Michael Kirk Thompson
1121 Oakmont Dr.
Joplin, MO 64804

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OFFICE OF PETITIONS

In re Application of :
Thompson, et al. :
Application No.: 60/706,558 :
Filed: August 8, 2005 :
Attorney Docket No. :

ON PETITION

This a decision on the petition filed October 11, 2005. The petition will be treated under 37 CFR 1.182.

The petition is **dismissed.**

The application was filed on August 8, 2005. On August 24, 2005, the Initial Patent Examination Division mailed the Notice stating that the application had been accorded a filing date of August 8, 2005, Figure 1, as described in the specification, appeared to have been omitted. The Notice allowed a non-extendable period for reply of two months from its mailing date.

The present petition was filed on October 11, 2005, responsively. Petitioner therein argued that Figure 1 accompanied the original application papers. The petition was not accompanied by evidence to corroborate petitioner's contention that Figure 1 accompanied the original application papers.

The argument has been considered, but is not persuasive. The Patent and Trademark Office (the "Office) file is the official record of the papers originally filed in this application. A review of the application file reveals no drawings filed on August 8, 2005. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner asserts that Figure 1 was among papers originally filed is not more persuasive than the papers shown to have been received by the official file. Further, petitioner did not provide a copy of an itemized Office date-stamped postcard whereby the Office would have acknowledged receiving the drawing and that would serve as *prima facie* evidence that Figure 1 was received on August 8, 2005.

The petition is dismissed.

If petitioner cannot provide the *prima facie* evidence as explained above, petitioner has the option of supplying Figure 1, in which case the application filing date will be changed to the date the omitted figure is received. Petitioner also has the option maintaining the current filing date with only the papers received on August 8, 2005, as part of the original application papers.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/706,877	08/10/2005		200	0066.0007PR (USA-63783)			

CONFIRMATION NO. 3348

029127
HOUSTON ELISEEVA
4 MILITIA DRIVE, SUITE 4
LEXINGTON, MA 02421

CORRECTED FILING RECEIPT

OC000000016969663

Date Mailed: 09/08/2005

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)

Johann Leban, Germering, GERMANY;
Martin Kralik, Dornbirn, AUSTRIA;

Power of Attorney: The patent practitioners associated with Customer Number **029127**.

If Required, Foreign Filing License Granted: 08/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/706,877

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

Non-Publication Request: No

Early Publication Request: No

Title

Inhibitors of cancer cell, T-cell and keratinocyte proliferation

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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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

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OCT 1 8 2005

OFFICE OF PETITIONS

In re Application of :
Minshon J. Chiou :
Application No. 60/707,200 : DECISION GRANTING PETITION
Filed: August 10, 2005 :
Attorney Docket No. DPMV-0004/KB4590 :

This is a decision on the petition, under 37 CFR 1.53, filed September 29, 2005, requesting that the above-identified provisional application be accorded a filing date of August 10, 2005.

The petition is **GRANTED**.

The application was filed on August 10, 2005, without drawings. Accordingly, on September 19, 2005, 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 requests that the application be accorded a filing date of August 10, 2005.

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 19, 2005, 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. 23-3050.

The application is accorded a filing date of August 10, 2005, 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 10, 2005, 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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CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON, TX 77253-3267

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of :
Murthy, et al. :
Application No. 60/707,259 : DECISION GRANTING PETITION
Filed: August 11, 2005 :
Attorney Docket No. 1789-16500 :

This is a decision on the petition filed October 13, 2005, to accord the above-identified application a filing date.

On August 11, 2005, the application was deposited.

On September 20,2 005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded the application. The Notice further indicated that the filing date would be the date of receipt of the drawings.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 1 and 20 are method claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

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

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of August 11, 2005. **A filing receipt should be issued reflecting the application filing date of August 11, 2005.**

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
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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
60/707,520	08/10/2005		100	IL-11551			

CONFIRMATION NO. 7632

24981
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
LAWRENCE LIVERMORE NATIONAL LABORATORY
PO BOX 808, L-703
LIVERMORE, CA 94551-0808

CORRECTED FILING RECEIPT

OC000000019697721

Date Mailed: 07/20/2006

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

Applicant(s)

Sue I. Martin, Berkerley, CA;
David P. Fergenson, Alamo, CA;
Abneesh Srivastava, Livermore, CA;
Michael J. Bogan, Dublin, CA;
Vincent Riot, Berkeley, CA;
Matthias Frank, Oakland, CA;

Power of Attorney:

James Tak--46367

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

Doped spheres of biodegradable polymers as fluorescence simulants for biological agents

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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Martin Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington, VA 22202

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of :
Karchi, et al. :
Application No. 60/707,957 : DECISION GRANTING PETITION
Filed: August 15, 2005 :
Attorney Docket No. 30485 :

This is concerning the "Response to Notice of Incomplete provisional Application", filed October 18, 2005, which will be treated as petition under 37 CFR 1.53 to accord the application a filing date.

On August 15, 2005, the application was deposited.

On August 25, 2005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present, but were believed to be required, and that a filing date had not been accorded the application. The Notice further indicated that the filing date would be the date of receipt of the drawings.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 1 and 14 are method claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

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

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of August 15, 2005. **A filing receipt should be issued reflecting the application filing date of August 15, 2005.**

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF TECHNOLOGY TRANSFER
EMORY UNIVERSITY
SUITE 130
1784 N. DECATUR RD.
ATLANTA GA 30322

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DEC 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Shuming Nie et al :
Application No. 60/708,240 : DECISION GRANTING PETITION
Filed: August 15, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 05094Prov :

This is a decision on the petition under 37 CFR 1.137(b), filed July 31, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts Of Provisional Application mailed September 20, 2005, 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, the above-identified application became abandoned on November 21, 2005.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

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

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
THOMAS, KAYDEN, HORSTEMEYER & RISLEY
100 GALLERIA PARKWAY
SUITE 1750
ATLANTA, GA 30339

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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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

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OCT 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Timothy J. Hayles :
Application No. 60/708,474 : ON PETITION
Filed: August 16, 2005 :
Attorney Docket No. 5150-97600 :

This is a decision on the petition filed October 13, 2005, requesting that the above identified provisional application be accorded a filing date of August 16, 2005 including Figure 7 described in the specification.

The provisional application was submitted on August 16, 2005. However, on August 25, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application," (Notice) that stated the application had been accorded a filing date, and that Figure 7 described in the specification appears to have been omitted.

In response to the Notice, on October 13, 2005, the instant petition was filed.

Petitioner states:
"Applicant respectfully submits that Figure 7 itself appears in the specification on page 38 while the caption for Figure 7 appears on page 39. Applicant respectfully submits a copy of pages 38 and 39 (Exhibit A) from the specification filed on August 16, 2005 as well as a copy of the date-stamped postcard (Exhibit B) that clearly shows the Patent Office received the specification in its entirety (i.e., '75 page(s) Specification')."

Under the facts of this case, this provisional application is entitled, for a filing date including Figure 7, 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 August 25, 2005 regarding the omitted Figure, was mailed in error and is vacated.

Accordingly, the petition is granted.

The petition fee will be refunded to deposit account No. 50-1505.

This provisional application is being forwarded to the Office of Initial Patent Examination, for further processing with a filing date of August 16, 2005 including Figure 7 described in the specification.

Telephone inquiries regarding this decision should 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
P.O. Box 1450
Alexandria, VA 22313-1450
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BRIAN C. KUNZLER
SUITE 600
8 EAST BROADWAY
SALT LAKE CITY, UT 84111

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DEC 0 8 2006

OFFICE OF PETITIONS

In re Application of	:	
David W. Jensen et al	:	
Application No. 60/708,558	:	DECISION GRANTING PETITION
Filed: August 16, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 05-39 (2200.2.1P)	:	

This is a decision on the petition, filed June 12, 2006, which is being treated as a petition under 37 CFR 1.137(g) to revive the above-identified provisional application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on May 8, 2006, which held this application as abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application, mailed September 2, 2005.

The petition satisfies the conditions for revival (*See* 37 CFR 1.137(b).) Accordingly, the reply to the Notice of September 2, 2005 is accepted as having been unintentionally delayed.

Petitioner is advised that, 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 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

Paper No. None

STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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OCT 0 2 2006
OFFICE OF PETITIONS

In re Application of	:	
Frederick Ernest Severson	:	
Application No. 60/708,864	:	DECISION ON TWO PETITIONS
Filed: August 17, 2005	:	UNDER 37 C.F.R. §§1.137(A)
Title: SIGNALING AND REMOTE	:	AND (B)
TRAIN OPERATION	:	

This is a decision on the petition filed July 5, 2006, under 37 C.F.R. §§1.137(a)[1] and alternatively under 1.137(b), to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 19, 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, the above-identified application became abandoned on November 20, 2005. A notice of abandonment was mailed on May 31, 2006.

With the present petition, Petitioner has correctly ascertained that the notice pertains to a compact disc which appears on the

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

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

transmittal letter, and was not received on filing. Petitioner has explained that the disc contains "digital drawing files" which are simply a higher quality than the paper drawings received on filing. Petitioner has further included payment for a specification which exceeds 100 pages in length.

The submission of drawings on compact disc (when a duplicate set of paper drawings was received) is not a part of the application whose omission would warrant the mailing of a notice of missing parts. The notice also erroneously stated that $125 was due for additional claims.

Consequently, the portions of the notice referring to the compact disc and the additional claims were mailed in error and these portions are hereby **VACATED**.

Consequently, the petitions under 37 C.F.R. §§1.137(a) and 1.137(b) are each hereby **DISMISSED AS MOOT**. The petition fee will be refunded via the issuance of a Treasury Check in due course.

The Office of Initial Patent Examination will be made aware of this decision, so that the present application can receive further processing.

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

Encl. Copy of the Notice Missing Parts, originally mailed September 19, 2005.

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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

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	ATTORNEY DOCKET NUMBER
60/708,864	08/17/2005	Frederick Ernest Severson	

CONFIRMATION NO. 4141

Frederick E. Severson
945 S.W. Perfecta Ave
Beaverton, OR 97005

Courtesy Copy

FORMALITIES LETTER

Date Mailed: 09/19/2005

NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(c)

Filing Date Granted

An application number and filing date have been accorded to this provisional application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The following item(s) appear to have been **omitted** from the application:

- The application transmittal letter or application specification lists the following duplicate sets of compact discs that were not included with the application. The compact discs that are missing are listed in the application transmittal letter or application specification with the following identifier(s): CD missing.

Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the provisional application papers, a copy of this Notice and a petition (and $400.00 petition fee *(37 CFR 1.17(f))*, which will be refunded if it is determined that the item was in fact received by the USPTO), with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The failure to file a petition (and petition fee) within **TWO MONTHS** of the date of this Notice *(37 CFR 1.181(f))* will be treated as a constructive acceptance by the applicant of the provisional application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$125** for a Small Entity

- The specification and drawings contain more than 100 pages. Applicant owes $125 for 11 pages in excess of 100 pages for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 3 - OFFICE COPY

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
60/709,266	08/16/2005		200	019934-006000US			

CONFIRMATION NO. 6154

CORRECTED FILING RECEIPT

OC000000017426057

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

Date Mailed: 11/09/2005

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

Applicant(s)

Penglie Zhang, Foster City, CA;
Andrew M.K. Pennell, San Francisco, CA;
John J. Kim Wright, Redwood City, CA;
Wei Chen, Fremont, CA;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 09/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/709,266

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

Non-Publication Request: No

Early Publication Request: No

Title

Monocyclic and bicyclic compounds and methods of use

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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 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

Paper No.

ABELMAN, FRAYNE & SCHWAB
Attorneys at Law
10th Floor
666 Third Avenue
New York, NY 10017

COPY MAILED

NOV 0 7 2005

OFFICE OF PETITIONS

In re Application of	:	
Kaufmann et al.	:	DECISION ON
Application No. 60/709,353	:	PETITION
Filed: August 17, 2005	:	
Atty Docket No. 207,155	:	

This is a decision on the "PETITION TO ACCORD PROVISIONAL APPLICATION A FILING DATE WITHOUT DEPOSITING DRAWINGS filed September 13, 2005. Petitioner requests that the above-identified provisional application be accorded a filing date of August 17, 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 August 17, 2005. However, on September 2, 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. Petitioners assert entitlement to a filing date based on the presence of

method claims in the application as filed. Petitioners contend that the need for drawings is not required.

As set forth in MPEP 601.01(f), it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the application as filed reveals that it contains at least one method claim. In view of the presence of the method claim and petitioner's contention that drawings are not necessary, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete Provisional Application" mailed September 2, 2005, was mailed in error and is hereby withdrawn.

Given the basis for granting this petition, the petition fee charged of $130 is being refunded to Deposit Account No. 01-0035, as authorized. (The current petition fee is $400; however, although authorized only $130 was charged).

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will correct the filing date to August 17, 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

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
60/709,553	08/19/2005		200	236597			

CONFIRMATION NO. 7270

CORRECTED FILING RECEIPT

OC000000017296402

45733
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

Date Mailed: 10/20/2005

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

Applicant(s)

Susan E. Bates, Bethesda, MD;
Antonio Tito Fojo, Rockville, MD;
Richard L. Piekarz, Silver Spring, MD;
John J. Wright, Falls Church, VA;
George J. Grimes, Rockville, MD;
Karen M. Schweikart, Centreville, VA;

Power of Attorney: The patent practitioners associated with Customer Number **45733**.

If Required, Foreign Filing License Granted: 09/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/709,553

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

Non-Publication Request: No

Early Publication Request: No

Title

Topical formulations of histone deacetylase inhibitors and methods of using the same

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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 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

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
60/709,746	08/19/2005		200	370053-00073	9		

CONFIRMATION NO. 9098

CORRECTED FILING RECEIPT

OC000000018860302

08840
INTELLECTUAL PROPERTY
ALCOA TECHNICAL CENTER, BUILDING C
100 TECHNICAL DRIVE
ALCOA CENTER, PA 15069-0001

Date Mailed: 05/18/2006

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)

Charles Warren, Sarver, PA;
Todd Summe, Pittsburgh, PA;
Miloslav Novak, Glenshaw, PA;
John Cobes, Lower Burrell, PA;
Tom Kubilius, Pittsburgh, PA;
Zachary Beard, Port Matilda, PA;

Power of Attorney:

Harry Hild Jr–51803

If Required, Foreign Filing License Granted: 08/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/709,746

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Roof rack concept for passenger vehicles, incorporating reconfigurable, multipurpose storage roof for improved aerodynamics and aesthetics

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

Martin Novack, Esq.
16355 Vintage Oaks Lane
Delray Beach, FL 33484

COPY MAILED

OCT 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Abdurrahman Sezginer	:	
Application No. 60/709,881	:	DECISION GRANTING
Filed: August 19, 2005	:	PETITION
Attorney Docket No. INVI-042PRO	:	

This is a decision on the petition filed September 1, 2005, requesting that the above-identified application be accorded a filing date of August 19, 2005, rather than the presently accorded date of August 22, 2005. 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 August 19, 2005 pursuant to 37 CFR 1.10. The "date-in" on the copy of the Express Mail label receipt no. EV532058589US is blank. 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.

A certificate of Express Mail under 37 CFR 1.10 states that the package in question was deposited as Express Mail on August 19, 2005, not August 22, 2005. However, a certificate of Express Mail is not sufficient evidence to support petitioner's allegations. However, a search of the USPS Track and Confirm database shows that the application was accepted at the USPS on August 19, 2005. Since the result from the search corroborates a "date-in" of August 19, 20005, 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 **August 19, 2005** 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
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

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

COPY MAILED

FEB 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Valerie Natale	:	
Application No. 60/710,540	:	DECISION GRANTING FILING
Filed: August 22, 2005	:	DATE OF AUGUST 22, 2005
Attorney Docket No. 24882-10663US	:	

This is a decision on the petition filed October 13, 2005, under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of August 22, 2005, rather than the presently accorded filing date of August 23, 2005.

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. EV301185834US showing a date stamp of August 22, 2005, by the USPS at the Gateway Station in San Francisco CA. The same Express Mail receipt number appears on the Application Transmittal filed with the instant application. Additionally, a copy of the USPS Track & Confirm (Label No. EV301185834US) shows the acceptance date of August 22, 2005

In view of the above, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on August 22, 2005.

The petition is **granted**.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of August 22, 2005, and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/710,540	08/22/2005		100	24882-10663US			

CONFIRMATION NO. 3291

CORRECTED FILING RECEIPT

OC000000018193153

00758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 03/03/2006

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

Applicant(s)

Valerie Natale, Santa Clara, CA;

Power of Attorney:

Susan Hubl--47668

If Required, Foreign Filing License Granted: 09/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/710,540

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

Methods for identifying disease-associated genes

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/710,575	08/22/2005		100	GW03			

CONFIRMATION NO. 3481

00758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

CORRECTED FILING RECEIPT

OC000000017262690

Date Mailed: 10/17/2005

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 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)

Gregory J. Wolff, Redwood City, CA;

Power of Attorney:

Greg Sueoka–33800

If Required, Foreign Filing License Granted: 09/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/710,575

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

UnaMesa information exchange: Leveling the playing field for trading bits

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/710,633	08/22/2005		200	P03059US1A	1		

CONFIRMATION NO. 2382

CORRECTED FILING RECEIPT

OC000000018335379

Jon D. Wood, Chief I.P. Counsel
Bridgestone Americas Holding, Inc.
1200 Firestone Parkway
Akron, OH 44317

Date Mailed: 03/21/2006

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)

Katharine Cowger, Orrville, OH;
Richard Wright, Wadsworth, OH;
John Rodak, Canton, OH;
Carolyn Bernstorf, Wadsworth, OH;

Power of Attorney:
Arthur Reginelli--40139

If Required, Foreign Filing License Granted: 09/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/710,633

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Pneumatic tires

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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Alexandria, VA 22313-1450
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HOLMES W. ANDERSON
STEUBING MCGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON MA 01720

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NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of
Philip E. Vasey.
Application No. 60/710,727
Filed: August 23, 2005
Attorney Docket No. 520-021

: DECISION GRANTING PETITION

This is a decision on the petition filed October 21, 2005 under 37 CFR 1.10, requesting that the above-identified application be accorded a filing date of August 23, 2005 rather than the presently accorded filing date of August 24, 2005. The petition is treated under 37 CFR 1.10(d).

Petitioner alleges that the application was deposited in Express Mail service on August 23, 2005. 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. EV344869500US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was "enroute" on August 23, 2005.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is August 23, 2005 and thus is entitled to a filing date of August 23, 2005.

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

This matter is being referred to the Office of Initial Patent Examination for a correction of the filing date to August 23, 2005, not August 24, 2005, and for the mailing of a corrected filing receipt.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/701,757	07/23/2005		200	2188P0521US	19		

CONFIRMATION NO. 7903

CORRECTED FILING RECEIPT

OC000000017836368

41528
THE LAW OFFICE OF RANDALL T. ERICKSON, P.C.
425 WEST WESLEY STREET, SUITE 1
WHEATON, IL 60187

Date Mailed: 01/12/2006

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)

Scott A. Lindee, Mokena, IL;
Glenn Sandberg, New Lenox, IL;
James E. Pasek, Tinley Park, IL;
James Wrona, Mokena, IL;

Power of Attorney:
Randall Erickson--33872

If Required, Foreign Filing License Granted: 08/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/701,757

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Loading apparatus for food stacks

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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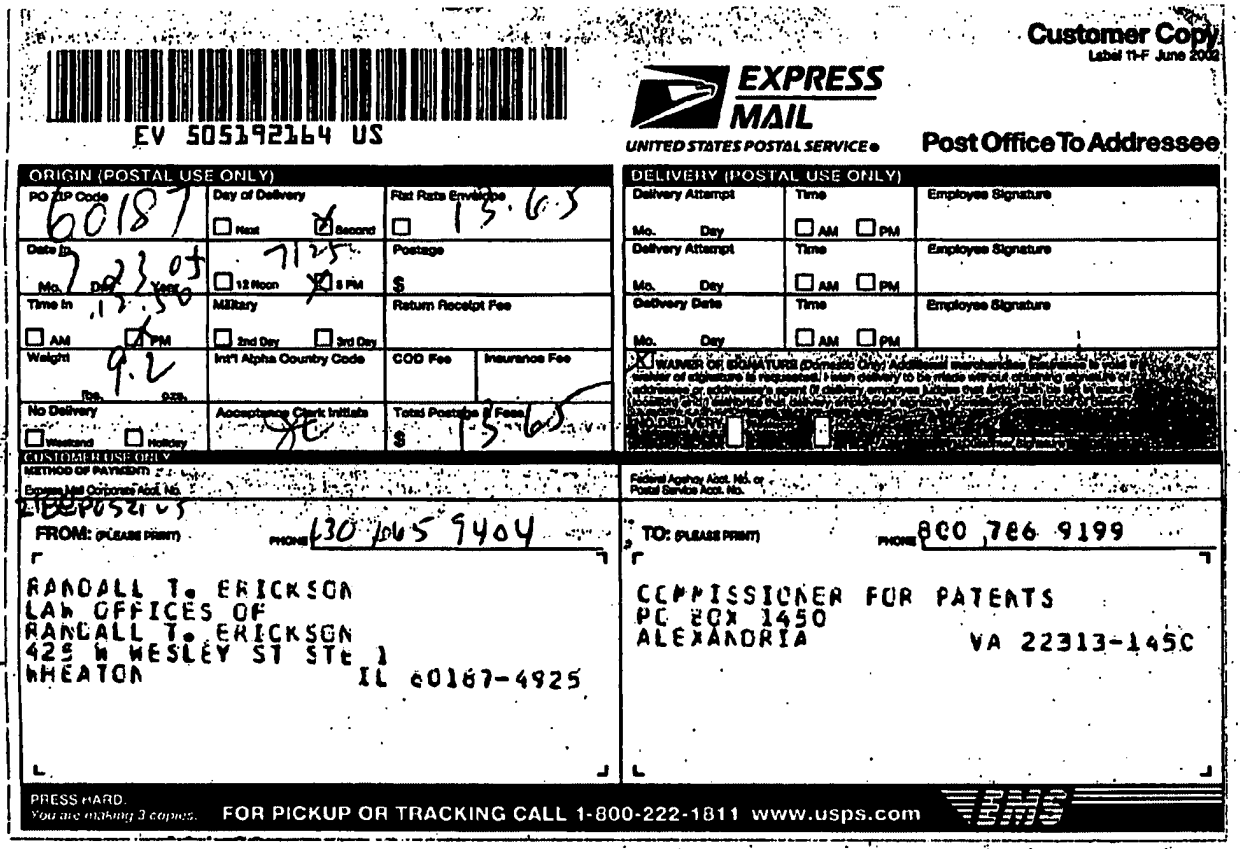

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Date In Mo. Day Year 7 23 05	☐ 12 Noon ☒ 3 PM 7125	Postage $	Delivery Attempt Mo. Day	Time ☐ AM ☐ PM	Employee Signature
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OFFICE OF PETITIONS

In re Application of	:	
Amberg, et al.	:	
Application No. 60/710,804	:	ON PETITION
Filed: August 24, 2005	:	
Attorney Docket No. ABB10010P2140US	:	

This is a decision on the "PETITION FOR CORRECTION OF INVENTOR'S NAME", filed November 9, 2005.

Applicants have filed the petition to change the name of inventor Wilhelm Netz to Astrid Netz.

Accordingly, the 37 CFR 1.182 petition is **GRANTED.**

Office records have been changed to reflect the change in the inventor's name.

Receipt of the petition fee is acknowledged.

Telephone inquiries regarding 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)

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/710,804	08/24/2005		950	ABB10010P2140US			

CONFIRMATION NO. 4587
CORRECTED FILING RECEIPT
OC000000018413194
OC000000018413194

32116
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

Date Mailed: 03/29/2006

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)

Wilhelm Amberg, Mannheim, GERMANY;
Andreas Kling, Mannheim, GERMANY;
Michael Ochse, Kaufungen, GERMANY;
Astrid Netz, Mannheim, GERMANY;
Udo Lange, Berlin, GERMANY;
Charles W. Hutchins, Green Oaks, IL;
Franciso-Javier Garcia-Ladona, Kandel, GERMANY;
Wolfgang Wernet, Neustadt, GERMANY;

Power of Attorney:
Martin Katz--25011

If Required, Foreign Filing License Granted: 03/29/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US60/710,804

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Hetaryl substituted guanidine compounds and their use as binding partners for 5-HT5A receptors

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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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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NOT GRANTED

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OFFICE OF PETITIONS

In re Application of	:	
Amberg et al.	:	
Application No. 60/711,014	:	DECISION
Filed: August 24, 2005	:	ON PETITION
Attorney Docket Number:	:	
ABB10010P2150US	:	

This decision is in response to the Petition, filed November 9, 2005, and on December 20, 2005, for correction of inventor's name. The petition is properly treated under 37 CFR 1.182.

The petition is **granted**.

The name of inventor Wilhelm Netz has been changed to Astrid Netz, and 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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/711,014	08/24/2005		700	ABB10010P2150US			

CONFIRMATION NO. 5505

CORRECTED FILING RECEIPT

OC000000019922421

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Date Mailed: 08/07/2006

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).**

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Franciso-Javier Garcia-Ladona, Kandel, GERMANY;
Wolfgang Wernet, Neustadt, GERMANY;
Andreas Haupt, Schwetzingen, GERMANY;

Power of Attorney:
Martin Katz--25011

If Required, Foreign Filing License Granted: 12/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/711,014

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

5-Ring heteroaromatic compounds and their use as binding partners for 5-HT5A

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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