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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 606614

COPY MAILED

JAN 0 9 2006

OFFICE OF PETITIONS

In re Application of	:	
Amberg et al.	:	
Application No. 60/711,075	:	
Filed: August 24, 2005	:	ON PETITION
Attorney Docket Number:	:	
ABB10010P2130US	:	

This decision is in response to the Petition, filed November 9, 2005, for correction of inventor's name. The petition is properly treated under 37 CFR 1.182.

The petition is **dismissed**.

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. *See*, MPEP 605.04(c).

Petitioner has failed to comply with the above requirements.

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 606614

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MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of	:	
Amberg et al.	:	
Application No. 60/711,075	:	CORRECTED DECISION
Filed: August 24, 2005	:	ON PETITION
Attorney Docket Number:	:	
ABB10010P2130US	:	

This decision is in response to the Petition, filed November 9, 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

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CHICAGO, IL 606614

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MAR 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Amberg et al.	:	
Application No. 60/711,075	:	CORRECTED DECISION
Filed: August 24, 2005	:	ON PETITION
Attorney Docket Number:	:	
ABB10010P2130US	:	

This decision is in response to the Petition, filed November 9, 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

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

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OFFICE OF PETITIONS

In re Provisional Application No. 60/711,090 :
Filed: August 24, 2005 : DECISION ON PETITION
Attorney Docket No. 50060-00174 :

This is a decision on the petition filed October 5, 2005 in response to the Notice to File Missing Parts mailed September 8, 2005, which is treated under 37 CFR 1.182.

On August 24, 2005, the application was filed. 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 24, 2005, but that Page 61 of the specification appeared to have been omitted.

In response, page 61 and the present petition were submitted. Petitioners assert that the specification contained 61 pages and that page 61 was filed with the other application papers on August 24, 2005. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of August 24, 2005, and identifies the application by the title of the invention, and acknowledges receipt, *inter alia*, of a 61 page specification. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

Petitioners request that the application be considered complete with page 61 of the specification as of the date of filing, August 24, 2005.

A review of the record reveals that only 60 pages of the specification are located among the application papers deposited on August 24, 2005 and that there is no page 61. However, from the evidence presented it is obvious that there should have been 61 pages in the specification. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including a 61 page specification is entitled to a filing date of August 24, 2005.

The "Notice" mailed on September 8, 2005, is **VACATED**.

In view of the above, the petition is **GRANTED**. The $400.00 petition fee paid on October 5, 2005, will be refunded in due course.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of August 24, 2005, using the application papers filed on August 24, 2005 and a copy of page 61 of the specification, supplied on October 5, 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

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Alexandria, VA 22313-1450
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Simona A. Levi-Minzi, Ph.D.
McDermott Will & Emery, LLP
Suite 2200
201 South Biscayne Boulevard
Miami, FL 33131

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NOV 06 2006
OFFICE OF PETITIONS

In re Application of :
Eric Bornstein :
Application No. 60/711,091 : ON PETITION
Filed: August 23, 2005 :
Attorney Docket No. 072287.0040 :

This is a decision on the petition under 37 CFR 1.137(b), filed on June 28, 2006 and on July 20, 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 September 13, 2005. A Notice of Abandonment was mailed on May 25, 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 $100 for 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 file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This 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: Simona A. Levi-Minzi, Ph.D.
McDermott Will & Emery, LLP
28 State Street
Boston, MA 02109

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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
1L01/3RD
SCAHAUMBURG, IL 60196

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Ilya O. Gonorovsky et al	:	
Application No. 60/711,160	:	DECISION GRANTING PETITION
Filed: August 25, 2005	:	UNDER 37 CFR 1.182
Attorney Docket No. CE13856R	:	

This is a decision on the petition under 37 CFR 1.182, filed September 15, 2005, requesting correction of the spelling of the second named inventor.

The petition is **DISMISSED** as moot since it is noted that a corrected Filing Receipt was mailed to applicant on September 23, 2005.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/711,279	08/24/2005		100	045-05-005	24		

CONFIRMATION NO. 7034

CORRECTED FILING RECEIPT

OC000000017315843

V. Gerald Grafe
Hisey Grafe P.C.
P.O. Box 2689
Corrales, NM 87048

Date Mailed: 10/24/2005

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

Applicant(s)

Wilmer L. Sibbitt JR., Albuquerque, NM;
Randy R. Sibbitt, Helena, MT;

Power of Attorney:

Victor Grafe–42599

If Required, Foreign Filing License Granted: 09/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/711,279

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Vascular closure methods and apparatuses

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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John W. Carpenter
Reed Smith LLP
Suite 2000
Two Embarcadero Center
San Francisco, CA 94111

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OCT 14 2005

OFFICE OF PETITIONS

In re Application of :
Manson et al. :
Application No. 60/711,284 :
Filed: August 24, 2005 :
Attorney Docket Number: 358008.00200 :

This is a decision on the Petition Regarding Notice of Incomplete Application, filed September 22, 2005, requesting the above-identified application be accorded a filing date of August 24, 2005.

The petition is granted.

The application was filed on August 24, 2005. On September 13, 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 method claims. As stated 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).

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; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In view of the above, the Notice mailed September 13, 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 August 24, 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
Attorney
Office of Petitions

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FISH & RICHARDSON PC
P O BOX 1022
MINNEAPOLIS, MN 55440-1022

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NOV 22 2006

OFFICE OF PETITIONS

In re Application of	:	
Lidia Mosyak et al	:	
Application No. 60/711,458	:	DECISION ON PETITION
Filed: August 25, 2006	:	
Atty Docket No. 16163-033P01/AM 101924	:	

This is a decision on the petition under 37 CFR 1.182, filed July 24, 2006, to correct the names of two of the named inventors; namely, correct the name of inventor "Tom Rush" to -- Thomas Saltmarsh Rush, III -- and the name of inventor "Rami Kumar" to -- Ravindra Kumar -- .

The petition is **GRANTED**.

Office records have been modified to reflect the correct names of the two inventors noted above. A corrected Filing Receipt, which sets forth the correct names of the above-named inventors, accompanies this decision on petition.

Any questions concerning this matter 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
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/711,458	08/25/2005		3000	16163-033P01 / AM 101924	13		

CONFIRMATION NO. 6264

26169
FISH & RICHARDSON P.C.
P.O BOX 1022
MINNEAPOLIS, MN 55440-1022

CORRECTED FILING RECEIPT

OC000000021318940

Date Mailed: 11/21/2006

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)

Lidia Mosyak, Newton, MA;
Thomas Saltmarsh Rush, III, Lexington, MA;
Xiaotian Zhong, Wayland, MA;
Thomas E. McDonagh, Acton, MA;
Katy E. Georgiadis, Belmont, MA;
Phaik-Eng Sum, Pomona, NY;
Edward R. LaVallie, Harvard, MA;
Lisa A. Collins-Racie, Acton, MA;
Christopher John Corcoran, Arlington, MA;
Ravindra Kumar, Acton, MA;
Tracy Hebert, Somerville, MA;
Stephane Hubert Olland, Arlington, MA;
Stewart Andrews Mackie, Rye Beach, NH;

Power of Attorney:

Allyson Hatton--54154

If Required, Foreign Filing License Granted: 09/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/711,458

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Aggrecanase 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.

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

under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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).

[redacted]

9/21/04

RE: 10,708,958

Please be advised that I electronically filed the above referenced Patent application as a Provisional Application. Some how in backing up in the softwear to correct a submission on the application, as I was guided to do by the USPTO Patent Assistant, the Submission was electronically changed to Non-Provisional.
Enclosed is the form PTO-2038 that authorizes you to deduct any necessary fee to convert this application from Non-Provisional to Provisional.

Thank you for your Help!

Daniel S. Venturi

Daniel S. Venturi
Inventor
707-464-3056 Phone/Fax

08/25/2005 JTIPPETT 00000001 10708958
01 FC:1807 50.00 OP

Copied from 10708958 on 09/07/2005

[redacted]

RE: 10,708,958 and Request to Convert to Provisional Application.

[redacted]

Sorry to load you up with faxes! I forget to mention that I am a small entity.

Sincerely,

Daniel S. Venturi 9/21/04

Daniel S. Venturi
Inventor

Copied from 10708958 on 09/07/2005

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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/708,958	04/02/2004	Daniel Salvatore Venturi	

CONFIRMATION NO.

42499
DANIEL S. VENTURI
256 ELK VALLEY RD
CRESCENT CITY, CA 95531

Date Mailed: 08/30/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/21/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/711,644.** 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
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

PART 2 - OFFICE COPY

Copied from 10708958 on 09/07/2005

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
60/711,714	08/26/2005		200	ESCMD.001PR	11		

CONFIRMATION NO. 7703

CORRECTED FILING RECEIPT

OC000000019794270

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 07/27/2006

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)

E. Scott Conner, Santa Barbara, CA;

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

If Required, Foreign Filing License Granted: 09/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/711,714

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Spinal implants and methods of providing dynamic stability to the spine

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no

effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard G. Gervase, Esq.
Mintz Levin Cohn Ferris Glovsky and Popeo, PC
Chrysler Center
666 Third Avenue, 24th Floor
New York, NY 10017

COPY MAILED
AUG 22 2006
OFFICE OF PETITIONS

In re Application of :
Oleg Logvinor :
Application No. 60/712,074 : ON PETITION
Filed: August 29, 2005 :
Attorney Docket No. EPL 073 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 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 September 12, 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 November 13, 2005. A Notice of Abandonment was mailed on May 25, 2006.

The response to the Notice to File Missing Parts of Provisional Application filed January 31, 2006, in the form of payment of the filing fee and surcharge is noted and made of record.

The appointment power of attorney and revocation of previous appointments filed June 4, 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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ALEXANDRIA, VA 22313-1450
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BERGMAN & SONG, LLP
P.O. BOX 400198
CAMBRIDGE MA 02140

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APR 12 2007
OFFICE OF PETITIONS

In re Application of :
SERGIU ROTENSTEIN :
Application No. 60/712,335 : ON PETITION
Filed: August 29, 2005 :
Attorney Docket No. M3000-0002-P001 :

This is a decision on the "PETITION TO INCLUDE INADVERTENTLY OMITTED MATERIAL IN A PROVISIONAL PATENT APPLICATION UNDER 37 CFR § 1.182 AND/OR 37 CFR § 1.183," filed September 5, 2006.

In the present petition, applicant requests that the above-captioned provisional patent application be deemed to include material (attached as Appendix A) that was inadvertently omitted from the application on filing. Applicant states that the omission of these documents was inadvertent and unintentional due to a clerical/computer error. In particular, applicants assert:

> The specification, as well as the two sheets of drawings, were transmitted by an intermediary from the inventor to the undersigned as an attachment to an electronic mail. The electronic mail attachment was in Microsoft Word format. Unknown to any party to the transmission, the Microsoft Word document included an incorrect, truncated and incomplete version of the specification and drawings. A copy of the truncated specification and drawings as received is attached hereto as Appendix C. We respectfully submit that, in the context of the disclosures typically received for filing as provisional applications, this truncation was not intrinsically obvious upon inspection.

In support of the request, applicant avers that the complete and untruncated disclosure was in the inventor's possession on filing the subject provisional application. Applicant further contends that the USPTO was in possession of the complete and untruncated specification, prior to the filing date of this provisional application. Applicant explains: "[s]pecifically, as appended hereto as Appendix B, a prior provisional patent application (United States Provisional Patent Application Serial Number 60/588,412) had been filed on July 16, 2004, but had lapsed immediately prior to the first receipt of the subject disclosure materials by the undersigned."

The Office notes: "[t]he filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 111(b)(4). Furthermore, "[a] provisional application shall not be entitled to the right of priority of any other application under section 119 or 365(a) of this title or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c) of this title." 35 U.S.C. 111(b)(8)

As applicant admits, the material (attached as Appendix A) was omitted from the application papers filed on August 29, 2005. In essence, applicant is attempting to amend the specification to include the omitted material, while maintaining the original filing date. The Office reminds applicant that "[a]mendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application." MPEP 601.01(b).

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).

Accordingly, the petition is **dismissed**.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 400198
CAMBRIDGE MA 02140

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
SERGIU ROTENSTEIN :
Application No. 60/712,335 : ON PETITION
Filed: August 29, 2005 :
Attorney Docket No. M3000-0002-P001 :

This is a decision on the petition filed June 15, 2007, requesting material inadvertently omitted from the above-identified provisional application be included as part of this application and be accorded a filing date of August 29, 2005.

In the present petition, applicant set forth the pertinent facts, which are reiterated as follows:

Summary of the Facts

As discussed in a previous petition, dated August 29, 2006, a portion of an intended disclosure was inadvertently omitted from the Application. This omission was entirely unintentional and was made without deceptive intent.

Due to a clerical and technical error, a truncated file was transmitted by an intermediary from the inventor to applicant's representative. Although the submitted materials were reviewed by applicant's representative prior to filing, it was not apparent that a portion of the Application was missing. Applicant's representative was diligent in reporting the filing through the intermediary to the client by return correspondence, including a copy of the truncated Application as-filed.

The intermediary, Mr. Zvi Regev, was a technically sophisticated and responsible individual, and Applicant's representative believed and continues to believe that, given the information available at the time, it was reasonable to rely on Mr. Regev to review for completeness, and/or forward for review by the inventor, the as-filed application materials.

Additional Facts

Since submission of the petition of August 29, 2006, Mr. Regev has died of cancer. As of the client report date of September 19, 2005, applicant's representative was unaware of Mr. Regev's illness, and so of the possible effect that illness might have

on his ability to complete a prompt and careful review of correspondence. Accordingly, Applicant's representative had no reason to anticipate that the reported filing might not be properly reviewed. Had such a review taken place, the omission would have been timely discovered and corrected.

Applicant acknowledges that it is difficult to definitively demonstrate a causal link between Mr. Regev's illness and his failure to detect the subject omission. Nevertheless, in light of all circumstances, including the diligent report of the as-filed Application and the reasonable reliance by applicant's representative on Mr. Regev to review the same, and further in light of the prior disclosure of the invention to the Patent Office[] conclusively demonstrating prior possession of the invention by the inventor, justice requires correction of the Application to include the inadvertently omitted material.

Petition dated 06/15/07.

In the present petition, applicant acknowledged that "[t]he 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" as set forth in 35 U.S.C. 111(b)(4). In response, applicant asserted: "the entire application was *de facto* in the Patent Office as of the date that the truncated specification was received in the Patent Office." [1] Applicant cited to 37 CFR 1.183 as the Director's authority to provide the remedy requested. Pursuant to 37 CFR 1.183, "In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed."

The Office has carefully and thoroughly reviewed the facts and arguments provided by applicant. The Office reminds applicant that the original disclosure of an invention will include only those application papers present in the USPTO on the date of deposit as stated in 35 U.S.C. 111(b)(4). Although the USPTO may have been in possession of the complete and un-truncated specification in Application No. 60/588,412, the disclosure of Application No. 60/588,412 is NOT the original disclosure of this provisional application (No. 60/712,335), which was defined by papers filed on August 29, 2005. Each application must be complete in itself and a separate copy of every paper to be filed in the application must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files are identical. Suspension of the rules under 37 CFR 1.183 may be granted for any requirement of the regulations, which is not a requirement of the statutes. In this instance, 35 U.S.C. 111(b)(4) clearly states: "[t]he 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." Accordingly, the USPTO does not have the authority to waive the requirement of the statute

[1] Petitioner reiterated that provisional Application No. 60/588,412 was filed on July 16, 2004, but had lapsed immediately prior to the first receipt of the subject disclosure materials by the practitioner. Petitioner continues to assert that the USPTO was in possession of the complete and un-truncated specification prior to the filing date of the subject application.

nor will it redefine the original disclosure of this application, which was set on filing the application papers, albeit truncated, on August 29, 2005.

Accordingly, the petition is **dismissed**.

The additional $400.00 petition fee is unnecessary and 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 permitted.

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

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

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

Conferee: Eugenia Jones

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

COPY MAILED
AUG 1 8 2006
OFFICE OF PETITIONS

In re Application of :
Darren B. Gruis et al :
Application No. 60/712,354 : ON PETITION
Filed: August 30, 2005 :
Attorney Docket No. 035718/281715 :

This is a decision on the petition under 37 CFR 1.182, filed January 17, 2006, to change the name of the first inventor from Fred Gruis to Darren B. Gruis.

The petition is **GRANTED.**

The affidavit submitted with the petition on January 17, 2006 states, "The provisional application cover sheet submitted on August 30, 2005, inadvertently listed my non-legal name of "Fred Gruis." My Legal name is "Darren B. Gruis." My name was not changed, it was incorrectly listed on the provisional application cover."

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

Irvin Dingle
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
60/712,354	08/30/2005		200	035718/281715	16		

CONFIRMATION NO. 3533
CORRECTED FILING RECEIPT
OC000000020090362
OC000000020090362

29122
ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 08/18/2006

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)

Darren B. Gruis, Des Moines, IA;
Craig Hastings, Perry, IA;

Power of Attorney:

Kelly Williamson--47179

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/712,354

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Compositions and methods for modulating expression of gene products

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

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

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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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P.O. BOX 10395
CHICAGO IL 60610

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APR 25 2007

OFFICE OF PETITIONS

In re Application of :
Thomas C. LAUER et al. :
Application No. 60/712,455 : ON PETITION
Filed: August 30, 2005 :
Attorney Docket No. 1625/928 :

This is in response to the petitions filed March 27, 2007 under 37 CFR 1.183 to suspend the requirements of 37 CFR 1.59(a)(2), and under 37 CFR 1.59(b) to expunge information submitted under MPEP 724.05(I).

The petition under 37 CFR 1.183 is **GRANTED.**

Under the extraordinary circumstances of this application, as set forth in the instant petition, justice would be served by suspending the requirements of 37 CFR 1.59(a)(2).

The petition under 37 CFR 1.59(b) is **GRANTED**.

Under the circumstances of this case, and in view of the petition-requesting waiver of the rules granted by this decision, the USPTO will remove from the official file the names of certain companies that were prospective or existing customers of Northern Trust. Specifically, the original disclosure submitted August 30, 2005 will be removed from the file and replaced by the complete copy of the original specification without the expunged customer names, which accompanied the instant petition.

Telephone inquiries regarding this decision should be directed to David Bucci at (571) 272-7099.

Brian Hearn
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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NOV 0 8 2005

OFFICE OF PETITIONS

Mark A. Litman & Associates, P.A.
York Business Center
Suite 205
3209 West 76th St.
Edina MN 55435

In re Application of
Chulsung Bae
Application No. 60/712,542
Deposited: August 30, 2005
Attorney Docket No. 777.003USP

Title of Invention: Development of Novel Proton-conductive Polymers for Proton Exchange Membrane Fuel Cell (Pemfc) Technology

DECISION GRANTING PETITION

This is a decision on the petition filed October 17, 2005, requesting that the above-identified provisional application be accorded a filing date of August 30, 2005.

The application was deposited on August 30, 2005. However, on September 13, 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 17, 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 30, 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. No petition fee has been charged and none is due.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **August 30, 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

Charlema R. Grant
Petition Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/712,585	08/30/2005		450	CELLTH 3.8-009	8		

CONFIRMATION NO. 2493

CORRECTED FILING RECEIPT

OC000000022584826

32516
DONALD W. WYATT
CELL THERAPEUTICS, INC.
501 ELLIOTT AVENUE WEST, #400
SEATTLE, WA 98119

Date Mailed: 02/21/2007

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)

Marc Besman, Seattle, WA;
Stewart Chipman, Bainbridge Island, WA;
David Leung, Mercer Island, WA;

Power of Attorney: The patent practitioners associated with Customer Number **000530**.

If Required, Foreign Filing License Granted: 09/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/712,585

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Conjugates of biologically active proteins having a modified in vivo half-life

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.

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SEP 06 2006
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 30, 2006 Signature: Shawn P. Foley
(Shawn P. Foley)

Docket No.: CELLTH 3.8-009
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Provisional Application of:
Besman *et al.*

Application No.: 60/712,585 Confirmation No.:

Filed: August 30, 2005 Art Unit: N/A

For: CONJUGATES OF BIOLOGICALLY ACTIVE PROTEINS HAVING A MODIFIED *IN VIVO* HALF-LIFE

Examiner: Not Yet Assigned

PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.48(d)

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

Dear Sir:

It is respectfully requested that the inventorship in the above-referenced patent application be amended in accordance with the Supplemental Application Data Sheet submitted herewith. The inventor being added is as follows: David Leung.

The inventorship error occurred without deceptive intention on the part of the added inventor.

Please charge the processing fee of $50.00 set forth in 37 C.F.R. § 1.17(q) and any other fee which may be due in connection with this Request to Deposit Account No. 12-1095. A duplicate of this paper is attached.

Dated: August 30, 2006

Respectfully submitted,

By Shawn P. Foley
Shawn P. Foley
Registration No.:
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

OIPE
SEP 06 2006
PATENT & TRADEMARK OFFICE

Supplemental Application Data Sheet

Application Information

Application number::	60/712,585
Filing Date::	08/30/05
Application Type::	Provisional
Subject Matter::	Utility
Suggested Group Art Unit::	N/A
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	CONJUGATES OF BIOLOGICALLY ACTIVE PROTEINS HAVING A MODIFIED IN VIVO HALF-LIFE
Attorney Docket Number::	CELLTH 3.8-009
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	FIGURE 1
Total Drawing Sheets::	8
Small Entity?::	Yes
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Marc
Family Name::	Besman
City of Residence::	Seattle
State or Province of Residence::	WA

Country of Residence::	US
Street of mailing address::	3498 West Blaine Street
City of mailing address::	Seattle
State or Province of mailing address::	WA
Postal or Zip Code of mailing address::	98199

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Stewart
Family Name::	Chipman
City of Residence::	Bainbridge Island
State or Province of Residence::	WA
Country of Residence::	US
Street of mailing address::	13205 Teem Loop Road
City of mailing address::	Bainbridge Island
State or Province of mailing address::	WA
Postal or Zip Code of mailing address::	98110

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	David
Family Name::	Leung
City of Residence::	Mercer Island
State or Province of Residence::	WA
Country of Residence::	US
Street of mailing address::	7625 East Mercer Way
City of mailing address::	Mercer Island
State or Province of mailing address::	WA
Postal or Zip Code of mailing address::	98040

Correspondence Information

Correspondence Customer Number:: 000530

Representative Information

Representative Customer Number:: 32516

Domestic Priority Information

Foreign Priority Information

Assignee Information

Assignee name::	Cell Therapeutics, Inc.
Street of mailing address::	501 Elliott Avenue West
	Suite 400
City of mailing address::	Seattle
State or Province of mailing address::	WA
Postal or Zip Code of mailing address::	98119

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
60/713,207	08/30/2005		200	050302P2	8		

CONFIRMATION NO. 7191

CORRECTED FILING RECEIPT

OC000000018027098

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

Date Mailed: 02/09/2006

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)

Sumeet Sethi, San Diego, CA;
Seyfullah Oguz, San Diego, CA;
Vijayalakshmi R. Raveendran, San Diego, CA;

Power of Attorney:
Milan Patel--41242

If Required, Foreign Filing License Granted: 09/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/713,207

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 error recovery using intra-slice resynchronization points

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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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
60/713,208	08/30/2005		200	050078P2	9		

CONFIRMATION NO. 7189

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

CORRECTED FILING RECEIPT

OC000000018011295

Date Mailed: 02/08/2006

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)

Peisong Chen, San Diego, CA;
Vijayalakshmi R. Raveendran, San Diego, CA;

Power of Attorney:

Milan Patel--41242

If Required, Foreign Filing License Granted: 09/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/713,208

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Scalable video coding with two layer encoding and single layer decoding

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/713,396	08/31/2005		200	19148-003P01	8		

CONFIRMATION NO. 7170

26181
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

CORRECTED FILING RECEIPT

OC000000017171213

Date Mailed: 10/04/2005

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

Power of Attorney:

Daniel Burns--50222

If Required, Foreign Filing License Granted: 09/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/713,396

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

Non-Publication Request: No

Early Publication Request: No

Title

Graphical user interface for a web application

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
60/713,517	08/31/2005		200	051158P2	37		

CONFIRMATION NO. 8086

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

CORRECTED FILING RECEIPT

OC000000017688790

Date Mailed: 12/20/2005

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)

Roberto Padovani, San Diego, CA;
Jilei Hou, Carlsbad, CA;
John E. Smee, San Diego, CA;

Power of Attorney:
Alexander Chen--45591

If Required, Foreign Filing License Granted: 09/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/713,517

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

System with multiple signal receiving units and a central processor with interference cancellation

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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P.O. Box 1450
Alexandria, VA 22313-1450
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BRETT N DORNY ESQ
LAW OFFICE OF BRETT N DORNY
321 CHURCH ST
NORTHBOROUGH MA 01532

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DEC 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Glenn D. Haley	:	
Application No. 60/713,524	:	DECISION GRANTING PETITION
Filed: August 31, 2005	:	
Attorney Docket No. H002-101	:	

This is a decision on the "PETITION FOR GRANT OF FILING DATE", filed November 4, 2005, to accord the above-identified application a filing date of August 31, 2005, with 1 page of drawing as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on August 31, 2005. However, on September 14, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Provisional Application." Applicants were informed that the application had not been accorded a filing date because the application was deposited without drawings..

In response, applicant filed the present petition. Applicant has submitted one page of drawing containing four figures, together with a postcard receipt identifying the application, itemizing "Drawings 1 sheets (FIGS 1-4)" as enclosed, and bearing a USPTO date stamp of August 31, 2005.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

Given the basis for granting this petition, the $130 petition fee submitted will be refunded under separate cover.[2]

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of August 31, 2005, using the application papers received in the Office on that date and the 1 drawing page as resupplied on petition filed November 4, 2005, and for indication in Office records that 1 sheet of drawings was present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 503.

[2] Petitioner is reminded that effective December 8, 2004, the fee for a filing date petition was increased to $400.

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
60/713,549	08/31/2005		200	051157P2	36		

CONFIRMATION NO. 8290

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

CORRECTED FILING RECEIPT

OC000000017688844

Date Mailed: 12/20/2005

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 E. Smee, San Diego, CA;
Jilei Hou, Carlsbad, CA;
Roberto Padovani, San Diego, CA;

Power of Attorney:
Alexander Chen--45591

If Required, Foreign Filing License Granted: 09/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/713,549

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Reverse link inter-cell interference cancellation

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, Kórea 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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OFFICE OF PETITIONS

TAKEDA SAN DIEGO INC
10410 SCIENCE CENTER DR
SAN DIEGO CA 92121

In re Application of :
Brown, et al. :
Application No. 60/713,626 : DECISION ON PETITION
Filed: September 2, 2005 :
Attorney Docket No. SYR-HDAC-5014-P:

This is a decision on the petition filed November 17, 2005, to accord the above-identified application a filing date of September 2, 2005.

The petition is **GRANTED**.

The application was deposited on September 2, 2005. However, on September 28, 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. The Notice also informed applicants that any assertion that drawings were not necessary for a filing date could be made by way of petition.

On September 30, 2005, applicants filed drawings and failed to make an assertion that drawings were not necessary for the September 2, 2005 filing date. Accordingly, the Office accorded the application the September 30, 2005 filing date.

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 and claims directed to a composition. 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 September 28, 2005 was mailed in error and is hereby **withdrawn**.

As the instant petition was due to USPTO error, the $400 petition fee has not been refunded to Deposit Account No. 50-2256.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of September 2, 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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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Timothy L. Robertson, et. al.	:	DECISION ON REQUEST
Application No. 60/713,680	:	TO WITHDRAW FROM
Filed: September 1, 2005	:	RECORD
Attorney Docket No. 021308-002300US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b) or 37 CFR § 10.40, filed on April 7, 2006.

The request is **APPROVED**.

A review of the file record indicates that James H. Heslin and the attorneys/agents associated with Customer No. 20350: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, James H. Heslin and the attorneys/agents associated with Customer No. 20350 have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Since the intervening assignee filed a revocation of power of attorney on June 6, 2006, the correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to Andrea Smith at 571-272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Conferee:

cc: BOZICEVIC, FIELD & FRANCIS, LLP
(PROTEUS BIOMEDICAL, INC)
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

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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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DEC 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Gang Pan	:	
Application No. 60/713,790	:	DECISION GRANTING
Filed: September 2, 2005	:	PETITION
Attorney Docket No. 3619.100US01	:	

This is a decision on the petition under 37 CFR 1.10(c) filed on July 10, 2006, requesting that the above-identified application be accorded a filing date of September 2, 2005, rather than the presently accorded date of September 1, 2005.

Petitioner alleges that the application was deposited in Express Mail Service September 2, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EL966216713US, showing a barely legible "date in" of September 2, 2005. It is noted that the same Express Mail number is found on the original application papers located in the official file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. While the "date-in" is barely legible, it can be ascertained that the correct "date-in" is September 2, 2005. Accordingly, the evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on September 2, 2005.

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

This application file is being forwarded to the Office of Patent Application Processing (OPAP) for **correction of the filing date to September 2, 2005 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions

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Richard D. Stone
4153 Patterson Drive
New Orleans, LA 70131

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OFFICE OF PETITIONS

In re Application of	:	
Cummins	:	
Receipt Date: September 3, 2005	:	ON PETITION
Application No. 60/713,919	:	
Dkt. No.: DC02	:	

This decision is in response to the "PETITION FOR FILING DATE," filed December 12, 2005. This matter is properly treated under 37 CFR 1.182 as a petition for filing date.

The petition under 37 CFR 1.182 is hereby **DISMISSED WITHOUT PREJUDICE**.

Any request for reconsideration of the instant decision must be submitted within two months of the mail date of the instant decision and should address the deficiencies noted herein. Failure to respond will result in abandonment of the application for failure to properly reply to the outstanding Notice of Incomplete Provisional Application mailed October 18, 2005. Extensions of time are not available.

Submission of the required petition fee is a prerequisite prior to treatment on the merits of the instant of the instant petition for filing date. The instant petition was accompanied by a fee in the amount of $130.00. Effective November 22, 2004, the required petition fee if $400.00. *See* 69 Fed. Reg. 56492 (September 21, 2004).

Any renewed petition must be accompanied by the required petition fee in full.

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:

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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Richard D. Stone
4153 Patterson Drive
New Orleans, LA 70131

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MAR 17 2006

OFFICE OF PETITIONS

In re Application of :
Cummins :
Filing Date: September 3, 2005 : ON PETITION
Application No. 60/713,919 :
Dkt. No.: DC02 :

This decision is in response to the renewed petition under 37 CFR 1.182 submitted February 21, 2006 to accord the above-identified application a filing date of September 3, 2005.

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

The application was filed September 3, 2005 without drawings. On October 18, 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.

Petitioner argues that the instant application disclosures either process or method claims and that thus 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 September 3, 2005. Thus, the Notice of Incomplete Application mailed October 18, 2005 was mailed in error and is hereby withdrawn.

The application will be processed with only the papers present on September 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 September 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
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/714,206	09/06/2005	Michael John Star	

CONFIRMATION NO.

Michael Star
6906 Walnut Hill Drive
Gainesville, VA 20155

Date Mailed: 10/12/2006

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 **09/22/2006,** 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).

It was received after the expiration of twelve months after the filing date of the provisional application.

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382.

A copy of this notice MUST be returned with the reply.

JANICE L. TIPPETT
Office of Initial Patent Examination

PART 2 - OFFICE COPY

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
60/714,207	09/02/2005		200	D-20428	10		

CONFIRMATION NO. 2645

CORRECTED FILING RECEIPT

OC000000017572848

48418
PARKS KNOWLTON LLC
1117 PERIMETER CENTER WEST
SUITE W307
ATLANTA, GA 30338

Date Mailed: 12/02/2005

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

Applicant(s)

Jean Michel Auclair, Chateauroux, FRANCE;
Leah Reynolds, Smyrna, GA;

Power of Attorney:

Cynthia Parks--52096

If Required, Foreign Filing License Granted: 09/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/714,207

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

Non-Publication Request: No

Early Publication Request: No

Title

Carton with dispenser

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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092005

Digital Optics Corporation
Attn Michael R. Feldman, Ph.D
9815 David Taylor Drive
Charlotte, NC 28262

SEP 15 2005

In re Application of:
Marc D. Himel et al.
Serial No.: 10/929,773
Filed: August 31, 2004
For: MONOLITHIC POLARIZATION CONTROLLED ANGLE DIFFUSERS AND ASSOCIATED METHODS

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.53(b)(2)(ii), filed August 19, 2005, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2).

The petition is **GRANTED.**

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

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

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

Copied from 10929773 on 09/27/2005

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BROWN, RAYSMAN, MILLSTEIN, FELDER &
STEINER LLP
900 THIRD AVENUE
NEW YORK NY 10022

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JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Paul Ignatius et al :
Application No. 10/803,542 : ON PETITION
Filed: March 18, 2004 :
Attorney Docket No. 4982/49 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 23, 2005, to revive the above-identified application.

The petition is **DISMISSED.**

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

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

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

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

Copied from 10803542 on 09/27/2005

37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1).

The application must be pending in order to convert. Therefore, since the application is abandoned, the request to convert filed March 23, 2005, is not proper. **Note MPEP 601.01(c).**

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:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to Karen Creasy at (571) 272-3208.

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

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BROWN, RAYSMAN, MILLSTEIN, FELDER &
STEINER LLP
900 THIRD AVENUE
NEW YORK NY 10022

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SEP 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Paul Ignatius et al :
Application No. 10/803,542 : DECISION GRANTING PETITION
Filed: March 18, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 4982/49 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 1, 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 a declaration; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Incomplete Reply of January 19, 2005, is accepted as having been unintentionally delayed.

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

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

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JUL 13 2005

WARD & OLIVO
708 THIRD AVENUE
NEW YORK NY 10017

In re Application of	:	
Christopher Torrence	:	
Serial No.: 10/950,173	:	CONVERSION TO PROVISIONAL
Filed: September 24, 2004, 2004	:	
Attorney Docket No.: 05590.0003	:	

This is in response to applicants' request, filed May 31, 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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JUN 21 2005

FULBRIGHT & JAWORSKI, LLP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78701

In re Application of	:
Chemtob et al	:
Serial No.: 10/839,751	: CONVERSION TO PROVISIONAL
Filed: May 5, 2004	:
Attorney Docket No.: GOUD:048US	:

This is in response to applicants' request, filed March 21, 2005, to convert this application to a provisional application

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10839751 on 10/04/2005

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Pet. Dec.

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Mailed: 6/14/05

Paper No.
WAK

In re Application of
Robbins, et al.
Serial No. 10/941,892
Filed: September 16, 2004
For: PERFUSION BIOREACTORS FOR CULTURING CELLS ON SCAFFOLDS

DECISION
ON
PETITION

This is a decision on the Petition under 37 CFR 1.53(c)(2), filed May 9, 2005, to convert the non-provisional application, filed under 1.53(b), to a provisional application.

Since the petition meets all that is required by 37 CFR 1.53(c)(2)(i- ii), the petition is GRANTED.

The application will be forwarded to Application Branch for conversion into a provisional application having been accorded the filing date of September 16, 2004.

The petition is **GRANTED**

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

David W. Highet
Becton, Dickinson and Company
1 Becton Drive, MC110
Franklin Lakes, NJ 07417

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AUG 8 2005

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

In re Application of	:	
Jay W. Heinecke et al	:	
Serial No.: 10/894,404	:	CONVERSION TO PROVISIONAL
Filed: July 19, 2004	:	
Attorney Docket No.: 1362-1-025	:	

This is in response to applicants' 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 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
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/998,156~~ 60714518	11/29/2004	Susan L. Sokolowski	005127.00220

CONFIRMATION NO.

22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

Date Mailed: 10/04/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/02/2005,** 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 **60/714,518.** 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

PART 2 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paul E. Schaafsma
NovusIP, LLC
Suite 221
521 West Superior
Chicago IL 60610

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SEP 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Evan Stanelle	:	
Application No. 11/068,945	:	ON PETITION
Deposited: February 28, 2005	:	
Title of Invention: MODELING LOSS	:	
IN A TERM STRUCTURED FINANCIAL	:	
PORTFOLIO	:	

This is a decision on the renewed petition to accord filing date filed June 6, 2005 requesting that the above-identified application be accorded a filing date of February 28, 2005. In the alternative petitioner has requested that the application be converted to a provisional application.

Application papers in the above-identified application were deposited on February 28, 2005. However, on April 18, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a complete specification which includes at least one claim pursuant to 35 USC 112.

In response, 5 sheets of claims, and an abstract were filed on April 26, 2005. The petition contends that the application as filed included claims. In support, the petition is accompanied by a copy of applicant's postcard which indicates a "new Utility Patent Application for Modeling Loss in a Term and Structured Financial Portfolio " Petitioner has also submitted a copy of the patent application transmittal form and an Affidavit of Paul E. Schaafsma. On renewed petition petitioner has advanced the same arguments contained in the original petition.

The evidence has been considered but it is not persuasive. A

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review of the official file confirms a complete specification including at least one claim was not amongst the items submitted on February 28, 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 which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Petitioner acknowledges the post card was not itemized. However, petitioner contends "New Utility Patent Application for Modeling Loss in a Term and Structured Financial Portfolio" serves as prima facie evidence that a "New Utility Patent Application for Modeling Loss in a Term and Structured Financial Portfolio" was submitted. Petitioner cannot overcome the fact that the post card receipt was not properly itemized and thus fails to establish a specification with at least one claim was present on February 28, 2005. The MPEP is clear a post card which contains "patent application" will not serve as evidence of receipt of required components of an application. Petitioner's post card merely states complete application with the title of the invention. The title of the invention does not make the post card any more acceptable as prima facie evidence.

> 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. MPEP 503.

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The assertions of Attorney Schaafsma that a complete specification including at least one claim was submitted on February 28, 2005 are not convincing. Petitioner contends the previous decision failed to attribute the proper probative value to the declaration and the copy of application papers submitted from petitioner's "business records". Contrary to petitioner's statements, the decision of June 1, 2005 did not state that the records of counsel should not be relied upon. However, the decision did state that evidence presented did not meet the burden of proof to establish by a preponderance of evidence that the application was submitted with at least one claim.

The "Notice" mailed July 3, 2003, was correct in advising applicant a complete specification including at least one claim had been omitted. Therefore, the "Notice" was properly mailed. The petition is dismissed.

Pursuant to petitioner's request this incomplete application is being forwarded to the Office of Initial Patent Examination for treatment of the request to convert the incomplete nonprovisional application to a provisional application.

Telephone inquiries related 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 Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/607,751	11/30/2006	Marilyn Murphy	2244.072US1 / US-0098.03

CONFIRMATION NO.

Ann M. McCrackin
Schwegman Lundberg Woessner & Kluth, P.A.
1600 TCF Tower
121 South Eighth Street
Minneapolis, MN 55402

Date Mailed: 09/07/2007

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/27/2007,** 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 **60/714,524.** 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

PART 2 - OFFICE COPY

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/226,819	09/14/2005	Hui Huang	PRD2433USPSP2

CONFIRMATION NO.

000027777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Date Mailed: 11/21/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/19/2005,** 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 **60/714,526.** 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

PART 2 - OFFICE COPY

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Kermit Robinson
Daly, Crowley & Mofford, LLP
Suite 101
275 Turnpike Street
Canton, MA 02021-2354

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of :
Flynn et al. :
Application No. 10/986,487 : ON PETITION
Deposited: November 10, 2004 :
Title of Invention: :
SYSTEM, APPARATUS, AND METHOD TO :
DYNAMICALLY ALLOCATE RESOURCES :

This is in response to the Petition Under 37 CFR 1.53(e), filed June 29, 2005, requesting that the application be accorded a filing date of November 10, 2004, including 38 pages of specification which includes claims 1-45.

Background

Application papers in the above-identified application were deposited on November 10, 2004. On June 3, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application ("Notice"), informing Applicant that a filing date had NOT been accorded the application because the specification was missing, and the specification did not include at least one claim. The Notice set a two-month period for reply, with extensions of time available under 37 CFR § 1.136(a).

In response, Applicant files the instant petition and includes a copy of a postcard whih applicant avers was returned by this Office; a copy of an Express Mail Receipt; a copy of a returned check in the amount of the filing fee; a copy of transmittal forms; a copy of a specification cover sheet; a copy of a specification and a copy of drawing Figures. Applicant also files with the petition the Declaration of Kermit Washington; Anne Marie Keel; Mary H. White; Barbara A. Colantoni-Hale; a copy of what is alleged to be an entire Utility Patent Application filed November 10, 2004, and a copy of the Notice of Incomplete Nonprovisional Application.

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Applicant is advised that the best evidence of what was fled on November 10, 2004, is applicant's postcard receipt. Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503. (Emphasis supplied).

In this instance, Applicant's postcard receipt does not include and Official date stamp from this Office.

The declarations of Kermit Washington; Anne Marie Keel; Mary H. White, and Barbara A. Colantoni-Hale, have been considered, but are not found persuasive that the application as deposited on November 10, 2004 included a specification or claims. The USPTO file is the official record of the papers originally filed in this application. A review of the official file reveals that no specification or claims were filed on November 10, 2004, since no specification or claims are present in the file. An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The statements made by Applicant and Anne Marie Keel; Mary H. White, and Barbara A. Colantoni-Hale, and relied upon as evidence of the filing of a specification and claims, contain the Applicant's and declarant's recall of routine events which occurred more than 7 months earlier and are not more persuasive than the record of what was filed as shown by the official file.

The petition is dismissed without prejudice. If Applicant has documentary evidence, e.g. a copy of a return receipt postcard that includes and Official date stamp from this Office indicating receipt of the items listed thereon, to support his assertion that the application as deposited on November 10, 2004 included a specification and claims, Applicant should submit such evidence in any renewed petition. Otherwise, as indicated

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in the Notice, the date of receipt will be the filing date accorded the application.

The application is an Image File Wrapper ("IFW"), and as such, no forwarding of the file is necessary.

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

Derek L. Woods
Attorney
Office of Petitions

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Kermit Robinson
Daly, Crowley & Mofford, LLP
Suite 101
275 Turnpike Street
Canton, MA 02021-2354

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OFFICE OF PETITIONS

In re Application of :
Flynn et al. :
Application No. 10/986,487 : ON PETITION
Deposited: November 10, 2004 :
Title of Invention: :
SYSTEM, APPARATUS, AND METHOD TO :
DYNAMICALLY ALLOCATE RESOURCES :

This is in response to the Renewed Petition Under 37 CFR 1.53(e), filed August 25, 2005, requesting that the application be accorded a filing date of November 10, 2004, including 38 pages of specification which includes claims 1-45.

Background

Application papers in the above-identified application were deposited on November 10, 2004. On June 3, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application ("Notice"), informing Applicant that a filing date had NOT been accorded the application because the specification was missing, and the specification did not include at least one claim. The Notice set a two-month period for reply, with extensions of time available under 37 CFR § 1.136(a).

In response, Applicant filed a petition on June 29, 2005, that included a copy of a specification and claims putatively filed on November 10, 2004, and a copy of one side of Applicant's postcard receipt. The postcard receipt did not contain an Official date stamp from this Office. The petition was dismissed in a Decision mailed July 29, 2005, for failing to meet the requirements of a grantable petition under 37 CFR 1.53.

Applicant files the instant Renewed Petition and includes a copy of both sides of the postcard receipt, one side of which contains an Official date stamp from this Office acknowledging receipt of a specification, but indicating that claims were missing from the application.

Copied from 10986487 on 11/21/2005

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted in part, in so far the Office acknowledges that 25 pages of specification were deposited in the Office on November 10, 2004.

However, because the application was deposited without at least one claim as required by 35 U.S.C. § 112, the application may not be accorded a filing date of November 10, 2004. The filing date is the date that the specification, including at least one claim and any required drawing, are received in the Office. Accordingly, the filing date accorded the application is June 29, 2005.

As discussed with Applicant, Applicant may file a petition to convert the papers deposited on November 10, 2004, to a provisional application under 35 U.S.C. 111(b). A copy of this decision should accompany Applicant's request.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **June 29, 2005**, and an indication that 25 pages of specification were present on **November 10, 2004**, using the 25 pages of specification filed on June 9, 2005.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

Copied from 10986487 on 11/21/2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JUN 21 2005

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

In re Application of
Hong Zhang
Serial No.: 11/026,824
Filed: December 30, 2004
Attorney Docket No.: 1718-0219

: PETITION TO MAKE SPECIAL

This is in response to the petition filed February 1, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d). The delay in acting on this petition was due to OIPE processing.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

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, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 11026824 on 03/03/2006

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/026,824	12/30/2004	Hong Zhang	1718-0219PUS1

CONFIRMATION NO.

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 01/09/2006

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 **12/13/2005,** 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 **60/714,536.** 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

PART 2 - OFFICE COPY

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JUN 21 2005

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

In re Application of
Hong Zhang
Serial No.: 11/026,824
Filed: December 30, 2004
Attorney Docket No.: 1718-0219

: PETITION TO MAKE SPECIAL

This is in response to the petition filed February 1, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d). The delay in acting on this petition was due to OIPE processing.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

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, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 11026824 on 03/22/2006

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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.
11/026,824	12/30/2004	Hong Zhang	1718-0219PUS1

CONFIRMATION NO.

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 01/09/2006

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 **12/13/2005,** 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 **60/714,536.** 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

PART 2 - OFFICE COPY

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

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FEB 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Carl Eric Faust et al	:	DECISION GRANTING
Application No. 60/714,666	:	PETITION
Filed: September 7, 2005	:	
Attorney Docket No. 091396-9298-00	:	

This is a decision on the petition treated under 37 CFR 1.10(d), filed October 21, 2005, requesting that the above-identified application be accorded a filing date of September 7, 2005, rather than the presently accorded filing date of September 6, 2005.

Applicants request the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on September 7, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by, inter alia, a copy of the Express Mail label, receipt No. EV587212375US. It is noted that the copy of the Express Mail receipt bears a handwritten "date-in" of September 6, 2005. Further, the petition is accompanied by a copy of the relevant page of the attorney's "Express Mail Logbook" with the following headings: Express Mail No., Docket No., Date Sent to Post Office, Atty/Secy Initials, Express Mail Label Receipt Date/Time; and Cost and declaration from Kate Sturdevant. In further support, the petition is accompanied by copies of the USPS record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" and "U.S. Postal Service Track&Confirm system information," both showing that the package in question, bearing the same Express Mail number found on the provisional patent application transmittal was picked up, accepted and enroute on September 7, 2005.

Since the evidence from the USPS, namely, the Express Mail Pickup Service Statement and the "U.S. Postal Service Track&Confirm system information" corroborate a "pickup date" of September 7, 2005, the instant application file is entitled to a filing date of September 7, 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) 271-3220.

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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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/714,739	09/07/2005	Leonard Mark Weinstein	

CONFIRMATION NO.

LEONARD MARK WEINSTEIN
6621 WEST TROPICANA AVE. #201
LAS VEGAS, NV 89103

Date Mailed: 10/12/2006

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 **09/29/2006,** 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 was received after the expiration of twelve months after the filing date of the provisional application.

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

PART 2 - OFFICE COPY

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Paper No.

ROBERT E. BUSHNELL & LAW FIRM
Suite 300
1522 K Street, NW
Washington, DC 20005

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FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Dave Zielinski : DECISION ON PETITION
Application No. 60/715,149 :
Filed: September 9, 2005 :
Atty Docket No. P57660P :

This is a decision on the PETITION UNDER 37 C.F.R. §1.181 filed November 7, 2005, which is properly treated as a petition under 37 CFR 1.53(e)(2).

Application papers in the above-identified provisional application were filed on September 9, 2005. However, on October 7, 2005, the Office mailed a Notice of Omitted Item(s) in Provisional Application. Applicant was advised that the application had been accorded a filing date; however, figures 6 and 7 described in the specification appeared to have been omitted from the application.

In response[1], applicant timely filed the instant petition (and petition fee). Petitioner attests to the filing and receipt of Figures 1 through 7 (7 sheets of drawings) on September 9, 2005. In support thereof, petitioner submits a copy of their postcard receipt. In addition, petitioner submits copies of Figures 1 through 7 as filed on September 9, 2005.

A postcard receipt, which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on September 9, 2005; 2) it specifically identifies the items being filed, including

[1] Applicant also filed a requested for corrected filing receipt on September 30, 2005 in response to the filing receipt mailed September 26, 2005, showing 5 sheets of drawings were present in the application.

"Drawing (7 sheets)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 7 sheets of drawings, were filed on September 9, 2005.

The sheets of drawings already considered received in the Office on September 9, 2005, were reviewed along with the drawing sheets containing figures 6 and 7 submitted on petition. These papers together constitute the item described on the postcard receipt as "Drawing (7 sheets)." It is concluded that petitioner has shown that figures 6 and 7 were among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to petitioner's Deposit Account.

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

- reprocessing with a filing date of September 9, 2005 using the application papers received in the Office and presently accorded that date; and figures 6 and 7 re-supplied on petition filed November 7, 2005;

- indication in Office records, as appropriate, that 7 sheets of drawings were present in this application on filing; and

- mailing of a corrected filing receipt.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KUDIRKA & JOBSE LLP
ONE STATE ST
SUITE 800
BOSTON MA 02109

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DEC 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Friedman, et al.	:	
Application No. 60/715,328	:	DECISION GRANTING PETITION
Filed: September 8, 2005	:	
Attorney Docket No. F0011/7007V1	:	

This is a decision on the "Petition Under 35 C.F.R. §1.182 For Acceptance of Omitted Items in a Provisional Application", filed October 17, 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 September 8, 2005, with Figures 26 and 29 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on September 8, 2005. However, on September 20, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Items in a Provisional Application." Applicants were informed that the application had been accorded a filing date; however, Figures 26 and 29 of the drawings appeared to have been omitted.

In response, applicants filed the present petition. Applicants have submitted two pages of drawing containing Figures 26 and 29, together with a postcard receipt identifying the application, itemizing "Drawing Figs. 1-39; incl. 56 Sheets Informal" as enclosed, and bearing a USPTO date stamp of September 8, 2005.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

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

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of September 8, 2005, using the application papers received in the Office on that date and the 2 drawing page as resupplied on petition filed October 17, 2005, and for indication in Office records that 56 sheet of drawings was present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

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Quintana Kemp
P.O. Box 9101
San Diego CA 92169

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MAR 2 0 2006

OFFICE OF PETITIONS

In re Application of :
Mendel et al. :
Application No. 60/715,745 : ON PETITION
Filed: September 10, 2005 :
Title of Invention: Collapsible Shoe and :
Methods for Making and Using Same :

This is a decision on the petition filed March 10, 2006 under 37 CFR 1.137(a).

The petition to revive under 37 C.F.R. § 1.137(a) 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 under 37 C.F.R. § 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to timely file a reply to a Notice of Incomplete Provisional Application mailed September 22, 2005. The Notice set a two (2) month period for reply. Accordingly, this application became abandoned on November 19, 2005. A Notice of Termination of Proceedings under 37 CFR 1.53(e) was mailed on January 13, 2006.

Petitioner contends the she called the Office and spoke to a representative who told her that the drawings were in the file and "everything was ok". Petition thought the matter was resolved.

Petition to revive under 37 CFR 1.137(a)

A grantable petition under 37 C.F.R. § 1.137(a) must be accompanied by:

(1) the required reply,[1]
(2) the petition fee,
(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) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (3).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 C.F.R. § 1.137(a).

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 C.F.R. § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

Petitioner's arguments have been considered but they are not persuasive. Petitioner's contention that the delay was unavoidable due to receipt of inaccurate information and failure to receive an Office Communication is not convincing to establish unavoidable delay. A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

Pursuant to 37 CFR 1.2, all business with the Patent and Trademark Office should be transacted in writing. 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. It should be noted the letter from the examiner constitutes unofficial communication which is not deemed as part of the record.

Accordingly, petitioner has failed to provide any facts or evidence that warrant a finding of unavoidable delay.

---

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

Alternative Venue

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee, 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 C.F.R. § 1.137(b) was unintentional.

The filing of a petition under 37 C.F.R. § 1.137(b) cannot be intentionally delayed, and therefore, must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 C.F.R. § 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 C.F.R. § 1.137(b).

The Office is in receipt of $750.00. The unavoidable petition fee was $250.00. As such there is a $500.00 balance. To the extent petitioner desires to pursue the unintentional petition, petitioner will need to submit an additional $250. Petitioner may also request a refund.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

enclosure

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 0 6 2006

OFFICE OF PETITIONS

Quintana Kemp
P.O. Box 9101
San Diego CA 92169

In re Application of	:	
Kemp	:	
Application No. 60/715,745	:	ON PETITION
Filed: September 10, 2005	:	
Title of Invention: Collapsible	:	
Shoe and Methods for Making and	:	
Using Same	:	

This is a decision on the renewed petition filed April 18, 2006 in response to the Notice of Incomplete Provisional Application. This decision vacates the decision mailed March 20, 2006. This is also a decision on the petition to revive the above-identified application under 37 CFR 1.137(b). The petition under 37 CFR 1.182 is being treated as a petition under 37 CFR 1.53 for grant of a filing date.

The Petition filed under 37 CFR 1.53 is Granted.
The Petition filed under 37 CFR 1.137(a) and 1.137(b) is Dismissed as inappropriate.

This above-identified application became abandoned for failure to timely file a reply to a Notice of Incomplete Provisional Application mailed September 22, 2005. The Notice set a two (2) month period for reply. Accordingly, this application became abandoned on November 19, 2005. A Notice of Termination of Proceedings under 37 CFR 1.53(e) was mailed on January 13, 2006.

Petitioner contends the she called the Office and spoke to a representative who told her that the drawings were in the file and "everything was ok". Petitioner thought the matter was resolved.

Upon further review of the Office record, the drawings submitted on September 10, 2005 have been located.

Since an application cannot be abandoned without benefit of a filing date, the Notice of Abandonment was mailed in error. Therefore, the Notice of Abandonment is vacated.

As such a petition to revive is inappropriate. The petition fees submitted with the petitions will be refunded.

Petitioner is reminded the provisional application would not be considered pending after 12 months from its filing date.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **September 10, 2005**, including drawings as part of the original disclosure.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of **September 10, 2005**, using the application papers filed on that date.

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
www.uspto.gov

JOHN HARRY NORTRUP
18 LONGWOOD DR.
KENNEBUNK ME 04043

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SEP 0 5 2006

OFFICE OF PETITIONS

In re Application of :
John Harry Nortrup et al :
Application No. 60/715,946 : DECISION GRANTING PETITION
Filed: September 9, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. NCP-101 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Provisional Application of September 22, 2005 is accepted as having been unintentionally delayed.

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

Karen Creasy
Petitions Examiner
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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MARSHALL, GERSTEIN & BORUN LLP
23 SOUTH WACKER DRIVE, STE. 6300
SEARS TOWER
CHICAGO, IL 60606

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FEB 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Zieler et al. :
Application No. 60/715,976 : ON PETITION
Filed: September 9, 2005 :
For: PLANTS MODIFIED WITH :
MINI-CHROMOSOMES :

This is a decision on the Petition to Correct Filing Date PURSUANT TO 37 CFR §1.10(d), filed November 10, 2005, requesting the above-identified application be accorded the filing date of September 8, 2005, instead of the presently accorded filing date of September 9, 2005. The petition is properly treated under 37 CFR 1.10(c).

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 "Renewed Petition under 37 CFR § 1.10." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Petitioner alleges the application was deposited in Express Mail service with the U.S. Postal Service, on September 8, 2005. In support of this assertion, Petitioner provides a copy of Express Mail Label, No. EV456046004US, and a copy of the Provisional Application Cover Sheet filed with the above-identified application, which includes a Certificate of mailing attesting to the mailing of the above-identified application via Express Mail Label No. EV456046004US on September 8, 2005.

A review of the Express Mail Label, No. EV456046004US, filed via facsimile with the instant petition, reveals that it is completely illegible, save the address for the Commissioner for Patents.

STATUTE AND REGULATION

35 U.S.C. § 21(a) states that:

> The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director

In August, 2001, section 1.10(a) of title 37, Code of Federal Regulations, stated 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.

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

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

Where there is a question regarding mailing, the person mailing the paper or fee must establish the actual date of mailing by: (1) a copy of the Express Mail receipt showing the actual date of mailing, (2) a statement from the person who mailed the paper or fee averring to the fact that the mailing occurred on the date certified. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* at 12. As there is a discrepancy between the date of mailing (the "Date-In") on the Express Mail label, and the filing date accorded the application by this Office, the Office is properly requiring adequate

corroboration that the above-identified application was deposited in Express Mail on the date asserted.[1]

OPINION

The evidence presented in the instant petition has been carefully considered; however, it is not persuasive that the above-identified application is entitled to a filing date of September 8, 2005.

Petitioner has failed to supply a copy of the "Express Mail Label" receipt showing the actual date of mailing.

Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21.

Regarding the Certificate of Express Mailing, 37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service. See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express

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[1] In response to objections to the use of affidavits and/or declarations to establish a filing date, the Office indicated that such affidavits or declarations are considered to explain activities that are supported by exhibits (*i.e.*, corroborate evidence). See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2702-03, 1027 *Off. Gaz. Pat. Office* at 27-28. Thus, the Office appropriately requires the submission of corroborative documentary evidence to establish an application filing date.

Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[2]

For the above stated reasons, the request that the above-identified application be accorded a filing date of September 8, 2005 is dismissed and the filing date remains September 9, 2005.

The petition is dismissed without prejudice. If Petitioner has evidence that the application was deposited Express Mail Service Post Office to Addressee on September 8, 2005, Petitioner should submit the evidence in any Request for Reconsideration.

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

By mail: Mail Stop PETITIONS
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

[2] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

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MARSHALL, GERSTEIN & BORUN LLP
23 SOUTH WACKER DRIVE, STE. 6300
SEARS TOWER
CHICAGO, IL 60606

COPY MAILED
MAR 15 2006
OFFICE OF PETITIONS

In re Application of :
Zieler et al. :
Application No. 60/715,976 : ON PETITION
Filed: September 8, 2005 :
For: PLANTS MODIFIED WITH :
MINI-CHROMOSOMES :

This is a decision on the Request for Reconsideration of Petition to Correct Filing Date Pursuant to 37 CFR §1.10(d), filed via facsimile January 31, 2006, requesting the above-identified application be accorded the filing date of September 8, 2005, instead of the presently accorded filing date of September 9, 2005.

The petition is **granted**.

Petitioner alleges the application was deposited in Express Mail service with the U.S. Postal Service, on September 8, 2005. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that September 8, 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 September 8, 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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/715,976	09/08/2005		350	30844/41454			

CONFIRMATION NO. 1340

CORRECTED FILING RECEIPT

OC000000018313135

04743
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

Date Mailed: 03/17/2006

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)

Helge Zieler, Chicago, IL;
Gary W. Rudgers, Chicago, IL;
Michael H. Pauly, Del Mar, CA;

Power of Attorney: The patent practitioners associated with Customer Number **04743**.

If Required, Foreign Filing License Granted: 10/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/715,976

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

Plants modified with mini-chromosomes

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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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
60/716,228	09/12/2005		100	8033-4	2		

CONFIRMATION NO. 1690

30448
AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

CORRECTED FILING RECEIPT

OC000000017245562

Date Mailed: 10/13/2005

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)

Daniel Andrew Grubbs, Seffner, FL;

Power of Attorney: The patent practitioners associated with Customer Number **30448**.

If Required, Foreign Filing License Granted: 09/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/716,228

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods and systems for displaying audience targeted information

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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
60/716,473	09/13/2005		100	DBLJ.125199	2		

CONFIRMATION NO. 4445

05251
SHOOK, HARDY & BACON LLP
2555 GRAND BLVD
KANSAS CITY,, MO 64108

CORRECTED FILING RECEIPT

OC000000017305613

Date Mailed: 10/21/2005

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)

Deborah Love-Johnson, Lenexa, KS;

Power of Attorney:

Marshall Honeyman--48114

If Required, Foreign Filing License Granted: 09/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/716,473

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Braid removal tool and associated 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 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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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL RIES
1747A VERMONT DRIVE
ELK GROVE IL 60007

COPY MAILED

OCT 2 6 2006

OFFICE OF PETITIONS

In re Application of :
Thomas ANDERSON :
Application No. 60/716,578 : DECISION ON PETITION
Filed: September 12, 2005 : TO MAKE SPECIAL UNDER
Attorney Docket No. TP1005 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 6, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

35 U.S.C. 102 states:

> (a)Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing
> a petition under paragraphs (c) or (d) of this section
> with a showing which, in the opinion of the Director, will justify so advancing it.
> (b)Applications wherein the inventions are deemed of peculiar importance to some branch of the public service and the head of some department of the Government requests immediate action for that reason,
> may be advanced for examination.
> (c)A petition to make an application special may be filed without a fee if the basis for the petition is:
> (1)The applicant's age or health; or
> (2)That the invention will materially:
> (i)Enhance the quality of the environment;
> (ii)Contribute to the development or conservation
> of energy resources; or
> (iii) Contribute to countering terrorism.

(d)A petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the fee set forth in § 1.17(h).

The instant petition has been filed in a provisional application. Provisional applications are not examined and thus, cannot be advanced out of turn for examination. See MPEP 201.04(b).

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

Encl. Description of Non-Provisonal Application for Patent and Provisional Application for Patent from the USPTO website

Application For Patent

Non-Provisional Application for a Patent

A non-provisional application for a patent is made to the Director of the United States Patent and Trademark Office and includes:

(1) A written document which comprises a specification (description and claims), and an oath or declaration;

(2) A drawing in those cases in which a drawing is necessary; and

(3) Filing, search, and examination fees. Applicant must determine that small entity status is appropriate before making an assertion of entitlement to small entity status and paying a small entity fee. Fees change each October. The fee schedule is posted on the USPTO Web site.

All application papers must be in the English language or a translation into the English language will be required along with the required fee set forth in 37 CFR 1.17(i). All application papers must be legibly written on only one side either by a typewriter or mechanical printer in permanent dark ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable and white paper.

The papers must be presented in a form having sufficient clarity and contrast between the paper and the writing to permit electronic reproduction. Each document in the application papers must all be the same size - either 21.0 cm by 29.7 cm (DIN size A4) or 21.6 cm by 27.9 cm (8 1/2 by 11 inches), with a top margin of at least 2.0 cm (3/4 inch), a left side margin of at least 2.5 cm (1 inch), a right side margin of at least 2.0 cm (3/4 inch) and a bottom margin of at least 2.0 cm (3/4 inch) with no holes made in the submitted papers. It is also required that the spacing on all papers be 1 1/2 or double-spaced and the application papers must be numbered consecutively (centrally located above or below the text) starting with page one. The specification must have text written in a nonscript font (e.g., Arial, Times Roman, or Courier, preferably a font size of 12) lettering style having capital letters which should be at least 0.3175 cm (0.125 inch) high, but may be no smaller than 0.21 cm (0.08 inch) high (e.g., a font size of 6). The specification must have only a single column of text.

The specification must conclude with a claim or claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention. The portion of the application in which the applicant sets forth the claim or claims is an important part of the application, as it is the claims that define the scope of the protection afforded by the patent. The claims must commence on a separate physical sheet of paper.

More than one claim may be presented provided they differ from each other. Claims may be presented in independent form (e.g. the claim stands by itself) or in dependent form, referring back to and further limiting another claim or claims in the same application. Any dependent claim which refers back to more than one other claim is considered a "multiple dependent claim."

The application for patent is not forwarded for examination until all required parts, complying with the rules related thereto, are received. If any application is filed without all the required parts for obtaining a filing date (incomplete or defective), the applicant will be notified of the deficiencies and given a time period to complete the application filing (a surcharge may be required)—at which time a filing date as of the date of such a completed submission will be obtained by the applicant. If the omission is not corrected within a specified time period, the application will be returned or otherwise disposed of; the filing fee if submitted will be refunded less a handling fee as set forth in the fee schedule.

The filing fee and declaration or oath need not be submitted with the parts requiring a filing date. It is, however, desirable that all parts of the complete application be deposited in the Office together; otherwise each part must be signed and a letter must accompany each part, accurately and clearly connecting it with the other parts of the application. If an application which has been accorded a filing date does not include the filing fee or the oath/declaration, applicant will be notified and given a time period to pay the filing fee, file an oath/declaration and pay a surcharge.

All applications received in the USPTO are numbered in sequential order and the applicant will be informed of the application number and filing date by a filing receipt.

The filing date of an application for patent is the date on which a specification (including at least one claim) and any drawings necessary to understand the subject matter sought to be patented are received in the USPTO; or the date on which the last part completing the application is received in the case of a previously incomplete or defective application.

Back to the Top

Provisional Application for a Patent

Since June 8, 1995, the USPTO has offered inventors the option of filing a provisional application for patent which was designed to provide a lower cost first patent filing in the United States and to give U.S. applicants parity with foreign applicants. Claims and oath or declaration are NOT required for a provisional application. Provisional application provides the means to establish an early effective filing date in a patent application and permits the term "Patent Pending" to be applied in connection with the invention. Provisional applications may not be filed for design inventions.

The filing date of a provisional application is the date on which a written description of the invention, and drawings if necessary, are received in the USPTO. To be complete, a provisional application must also include the filing fee, and a cover sheet specifying that the application is a provisional application for patent. The applicant would then have up to 12 months to file a non-provisional application for patent as described above. The claimed subject matter in the later filed non-provisional application is entitled to the benefit of the filing date of the provisional application if it has support in the provisional application. If a provisional application is not filed in English, and a non-provisional application is filed claiming benefit to the provisional application, a translation of the provisional application will be required. See title 37, Code of Federal Regulations, Section 1.78(a)(5).

Provisional applications are NOT examined on their merits. A provisional application will become abandoned by the operation of law 12 months from its filing date. The 12-month pendency for a provisional application is not counted toward the 20-year term of a patent granted on a subsequently filed non-provisional application which claims benefit of the filing date of the provisional application.

A surcharge is required for filing the basic filing fee or the cover sheet on a date later than the filing of the provisional application.

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Alexandria, VA 22313-1450
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MARTIN MOYNIHAN
PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

COPY MAILED
OCT 13 2006
OFFICE OF PETITIONS

In re Application of :
Yaniv Davidson et al :
Application No. 60/716,952 : ON PETITION
Filed: September 15, 2005 :
Attorney Docket No. 30768 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 15, 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 September 26, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 27, 2005.

The Revocation of Power of Attorney with New Power of Attorney, and Change of Correspondence Address submitted on September 6, 2006 is not accepted. Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

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

Attachment: PTO/SB82

PTO/SB/82 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners associated with the Customer Number: ☐

☐ Please change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number: ☐

OR

☐ Firm *or* Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☐ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature			
Name			
Date		Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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
60/717,083	09/13/2005		200	MAT 3U6P2	30		

CONFIRMATION NO. 5629

CORRECTED FILING RECEIPT

OC000000020104759

23581
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

Date Mailed: 08/18/2006

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)

James Knight, Los Angeles, CA;
Julian Payne, Los Angeles, CA;
Kwun Chung Mo, Hong Kong, CHINA;
Alan Cheung, Hong Kong, CHINA;
Pitt Lau, Hong Kong, CHINA;

Power of Attorney:

Jeffrey Zola--56715

If Required, Foreign Filing License Granted: 09/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/717,083

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Fold-out playsets with pop-up structures

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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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, 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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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NOV 30 2005

OFFICE OF PETITIONS

In re Application of :
Cheah, et al. :
Application No. 60/717,677 : ON PETITION
Filed: September 16, 2005 :
Attorney Docket No. IR-3104 Prov (2-4961) :

This is a decision on the petition filed November 2, 2005, requesting that the above-identified provisional application be accorded a filing date of September 16, 2005, including Figures 3 and 4, described in the specification.

The application was filed on September 16, 2005. However, on September 27, 2005, the Office of Initial Patent Application (OIPE) mailed a "Notice of Omitted Item(s)in a Provisional Application" (Notice) that stated the application had been accorded a filing date, but Figures 3 and 4 described in the specification appear to have been omitted.

In response, on November 2, 2005, the instant petition was submitted. Petitioner states, "In response to the Notice of Omitted Items mailed September 27, 2005, applicants contend that the allegedly omitted items (Figures 3 and 4 described in the specification) were in fact deposited in the PTO with the provisional application papers. However, the Figure numbers may not have been clearly labeled."

A review of the application file indicates that Figures 3 and 4 were submitted with the application as filed on September 16, 2005, however, the Figures were not clearly or properly labeled on the drawing sheet.

As such, it appears that the drawings of Figures 3 and 4 were present on September 16, 2005, but not clearly or properly labeled by the applicants. Since it is now clear that Figures 3 and 4 were present on September 16, 2005, albeit not labeled, the Figures may be considered as filed with the application on September 16, 2005.

The petition is granted.

It is noted that Petitioner has submitted replacement sheets of drawings that label Figures 3 and 4 correctly.

Please note, the $400.00 petition fee is required, since a petition was necessary to correct applicants' filing error, and not necessitated by any error on the part of the Office.

This application will be returned to OIPE for further processing with a filing date of September 16, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KOLISCH HARTWELL PC
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

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DEC 0 7 2006
OFFICE OF PETITIONS

In re Application of	:	
Scott Derman and Erich Weidetz	:	
Application No. 60/718,161	:	DECISION ON PETITION
Filed: September 16, 2005	:	
Attorney Docket No. MAT 3W4P	:	

This is a decision on the petition under 37 CFR 1.182, filed, May 26, 2006, to correct the spelling of the name of inventor "Scott Deran" to – Scott Derman --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

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
60/718,161	09/16/2005		200	MAT 3W4P	7		

CONFIRMATION NO. 9218

CORRECTED FILING RECEIPT

OC000000021521691

23581
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

Date Mailed: 12/07/2006

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).**

Applicant(s)

Scott Derman, Playa Del Rey, CA;
Erich Weidetz, Playa Del Rey, CA;

Power of Attorney:

Charles DeVoe--37305

If Required, Foreign Filing License Granted: 09/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/718,161

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Interchangeable game pieces and method of game play

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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AUG 30 2006

OFFICE OF PETITIONS

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AUG 29 2006

OFFICE OF PETITIONS

CANCELLED

JEAN ANNE RILEY
4207 CLOVER KNOLL CT.
CARMICHAEL CA 95608

In re Application of :
Jean Anne Riley :
Application No. 60/718,205 : DECISION GRANTING PETITION
Deposited: September 19, 2005 :
Title of Invention: **TRI-FOLD HANGING GIFT TAG WITH SINGLE HOLE PUNCHED TAB** :

This is a decision on the correspondence filed April 18, 2006, which is treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Notice Of Incomplete Provisional Application mailed December 28, 2005. Accordingly, the Notice of Abandonment was mailed April 5, 2005.

The file record discloses that the Notice Of Incomplete Provisional Application was mailed to the address of record. However, petitioner contends that it was not received.

A review of the USPTO files reveal that the office communication was returned to the USPTO by the United States Postal Service on January 20, 2006. No apparent reason can be determined for why it was returned as it appears that the address of record was placed on the correspondence.

In view of the facts set forth in the petition, it is concluded that the Notice Of Incomplete Provisional Application was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3729 for a re-mailing of the Notice Of Incomplete Provisional Application previously mailed December 28, 2005 but not received.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Raymond Larry Mitchell
7135 Alexandra St.
Montreal QC H2S 3J6
CANADA

COPY MAILED
JUN 29 2006
OFFICE OF PETITIONS

In re Application of :
Mitchell :
Application No. 60/718,347 : ON PETITION
Filed: September 19, 2005 :
Title of Invention: "Hands Free" Hand Grip For :
Grocery Bags :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed June 16, 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 September 30, 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 December 1, 2005. A Notice of Abandonment was mailed on June 7, 2006.

Petitioner contends the Notice to File Missing Parts mailed on September 30, 2005 was not 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 Notice of Allowance was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive 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 nonreceived non-final office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived non-final office action must be submitted as documentary proof of nonreceipt of the non-final office action.[1] The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the non-final office action may have been lost after receipt rather than a conclusion that the non-final office action was lost in the mail.

Where applicant is pro se applicant should demonstrate what system is in place upon receipt of communication from the USPTO. If applicant retains documents in a central location, makes use of a computer program or calendar such information as well as any accompanying evidence should be provided on renewed petition. A pro se applicant must state that the file was searched and that the communication in question has not been located. The Office is looking for applicant to make a showing that the communication was not lost after receipt.

Petitioner has made the statement that the Notice to File Missing Parts as not received. However petitioner has failed to provide any of the other requirements outlined above. Unfortunately, the Office does not have the ability to give petitioner "the benefit of the doubt".

Petitioner may wish to file a petition to revive under 37 CFR 1.137(b). 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) (currently $750.00 for small entity/ $1500 for other than 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 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

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

By mail:	Mail Stop 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

[1]M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

enclosure

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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JJGJr: 02-06

Paper No: __

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FEB 16 2006

OFFICE OF PETITIONS

SYNNESTVEDT LECHNER
& WOODBRIDGE LLP
ROY ROSSER, PH.D.
P.O. BOX 592
PRINCETON NJ 08542

In re Application of	:	
Silcock, et al.	:	
Application No. 60/718,636	:	ON PETITION
Filed: 20 September, 2005	:	
Attorney Docket No. 2692-129/P29951 US	:	

This is a decision on the petition filed on 20 October, 2005, under 37 C.F.R. §1.182 and considered here under 37 C.F.R. §1.53.

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

BACKGROUND

The application was deposited on 20 September, 2005.

On 5 October, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (the 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 indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or

- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 20 October, 2005, Petitioner submitted the instant petition, seeking a 20 September, 2005, filing date for the application. Petitioner acknowledges therein that no figures were submitted in accordance with the Rules of Practice–in fact the line on page two of the specification in the section entitled "Brief Description of the Drawings," continues thereafter only with the following: "FIG. 1 is." (sic), and contains no further statement/information–however, Petitioner avers that the application contains appendices which contain one or more drawings. Petitioner, one registered to practice before the Office, should refer to MPEP §608.02.

ANALYSIS

Although Petitioner has failed to allege, *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 indicates that, *inter alia*, the Summary of the Invention states: "Briefly described, the invention provides an operator training system, method and apparatus ..." (See: MPEP §601.01(f)(A).)

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])

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[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.

The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35

U.S.C. 113 (first sentence) are:

(A) *Coated articles or products*: where the invention resides solely in coating or impregnating a conventional sheet (*e.g.*, paper or cloth, or an article of known and conventional character with a particu lar composition), unless significant details of structure or arrangement are involved in the article claims;

* * *

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

The arguments in the petition will be construed, in part, to mean that Petitioner, a registered practitioner before the Office, asserts that drawings are not necessary for a filing date in this application. Drawings as numbered Figures (Figs.) will not be further considered as a part of this case.

In view of the above, the Notice mailed on 5 October, 2005, hereby is withdrawn to the extent that it indicates no filing date will be granted.

CONCLUSION

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 20 September, 2005, without drawing figures as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is waived and will be refunded.

The application is being referred to the Office of Initial Patent Examination to be processed for correction of the filing date to 30 September, 2005, with the 5 pages of specification (description, claims, abstract) and three appendices (A, B, and C) containing 11, 3, and 7 pages, respectively, deposited on 20 September, 2005, and no drawing figures as the original disclosure.

As indicated above, the matter of incorporation by reference is exclusively the purview of the Examiner and shall be considered by the Examiner as a preliminary amendment submitted by Petitioner.

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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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.

* * *

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
60/718,767	09/20/2005		200	Google-133-2PROV (GP-624-	16		

CONFIRMATION NO. 4224

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

CORRECTED FILING RECEIPT

OC000000020505765

Date Mailed: 09/20/2006

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)

Steve Miller, Menlo Park, CA;
Gokul Rajaram, Mountain View, CA;
Nathalie Criou, San Francisco, CA;

Power of Attorney:

John Pokotylo--36242

If Required, Foreign Filing License Granted: 09/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/718,767

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Platform for buying, selling, and placing traditional advertising such as TV, radio, newspaper, and magazine, instead of, or in addition to, online advertising

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).

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JJGJr: 02-06

Paper No: __

CHRISTOPHER PARADIES, PH.D.
FOWLER WHITE BOGGS BANKER, P.A.
501 E KENNEDY BLVD, STE. 1900
TAMPA FL 33602

COPY MAILED

FEB 24 2006

OFFICE OF PETITIONS

In re Application of :
Otten, et al. :
Application No. 60/718,937 : ON PETITION
Filed: 20 September, 2005 :
Attorney Docket No. A8039 :

This is a decision on the petition filed on 2 December, 2005, and considered as a petition under 37 C.F.R. §1.53, to obtain a filing date of 20 September, 2005, with regard to the instant application , and in particular as to page 1 (1/18) of specification (description, claims, abstract).

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

After this application was deposited on 20 September, 2005:

- on 3 October, 2005, the Office mailed a Notice of Omitted Items indicated that, while the application had been accorded a filing date, it appeared that page 1 (1/18) of the specification (description, claims, abstract), had been omitted on deposit. OIPE indicated that Petitioner might: contend via petition (with a copy of the item(s)) that the omitted item(s) had been submitted and Petitioner might file a petition under 37 C.F.R. §1.182 (considered under 37 C.F.R. §1.53) as to that contention; submit the omitted item and accept the date of submittal as the filing date, or accept the application in the form the Office indicated it had been

received. And OIPE set a two- (2-) month period for reply;

- Petitioner filed the instant petition on 2 December, 2005, with, *inter alia*, a copy of the application specification as averred to have been filed and a date-stamped ("092005") receipt card (see: MPEP §503[1]) evidencing Office receipt.

Analysis

A search of the official file reveals that:

- on 20 September, 2005, Petitioner deposited the instant application;

- Petitioner's receipt card provides in pertinent part:

---

[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.)

* * *

X Provisional Application for Patent Cover Sheet (PTO/SB/16) with Certificate of Express Mailing and deposit Account Authorization (large entity)
X Specification: 18 pages
X Figures: 4 sheets of Figures 1-6
X Application Data Sheet (2 pages)

* * *

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including page 1 (1/18) of the specification (description, claims, abstract), was deposited with the Office on 20 September, 2005, and subsequently page 1 (1/18) of the specification (description, claims, abstract) was misplaced in the Office.

Accordingly, the application, including page 1 (1/18) of the specification (description, claims, abstract), are entitled to a filing date of 20 September, 2005.

The Notice mailed on 3 October, 2005, was sent in error and is hereby vacated to the extent that it stated that the application was filed omitting page 1 (1/18) of the specification (description, claims, abstract).

CONCLUSION

The petition is **granted** and the petition fee waived and was not charged.

This application is released to OIPE for further processing with a filing date of 20 September, 2005, for the entire application with pages 1 - 18 of the specification (description, claims and abstract) and four sheets of drawings Figs. 1 - 6, as described in the specification, using:

- **pages 2 - 18 (2/18-18/18) of the specification (description, claims and abstract) and four sheets of drawings Figs. 1 - 6, as described in the specification, deposited on 20 September, 2005; and**

- **page 1 (1/18) of the specification (description, claims, abstract), deposited on 2 December, 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 20 September, 2005, and reflecting therein that 18

pages of the specification (description, claims and abstract) and 4 sheets of drawings (Figs. 1-6), 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
www.uspto.gov

BAKER & MCKENZIE LLP
711 LOUISIANA
SUITE 3400
HOUSTON, TX 77002-2716

COPY MAILED

NOV 0 4 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Parrish, et al. :
Application No. 60/718,976 :
Filed: September 21, 2005 :
Attorney Docket No. 31176280-058001 :

This is a decision on the papers styled, "Petition to Accord Filing Date Under 37 CFR 1.181" filed October 19, 2005, which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of September 21, 2005, including three (3) sheets of drawings.

The provisional application was submitted on September 21, 2005. However, on October 5, 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 October 19, 2005, the instant petition was submitted. Petitioner argues that three (3) sheets of drawings were filed on September 21, 2005. In support, the petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "Drawing sheets (3)" on September 21, 2005. A review of the application file indicates the presence of zero (0) sheets of drawings submitted on that date. It is assumed that the missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The petition fee will be refunded to deposit account no. 50-3420.

This application will be returned to OIPE for further processing with a filing date of September 21, 2005, using the three (3) sheets of drawings, supplied on October 19, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/719,303	09/20/2005		100	PRO-P-003P	18		

CONFIRMATION NO. 6526

CORRECTED FILING RECEIPT

OC000000020567892

8156
JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

Date Mailed: 09/25/2006

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)

James C. Peacock III, San Carlos, CA;

Power of Attorney:

John O'Banion--33201

If Required, Foreign Filing License Granted: 10/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/719,303

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

Embolic filter device and related systems and 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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LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/719,437	09/22/2005		200	102034-1 US			

CONFIRMATION NO. 7748

44992
ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM, MA 02451-1215

CORRECTED FILING RECEIPT

OC000000017354163

Date Mailed: 10/31/2005

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)

George Beresford Hill, Macclesfield, UNITED KINGDOM;

Power of Attorney:

Carol Loeschorn--35590

If Required, Foreign Filing License Granted: 10/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/719,437

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

Non-Publication Request: No

Early Publication Request: No

Title

Process

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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NOT GRANTED

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

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CORPORATE INTELLECTUAL PROPERTY - UW2220
709 SWEDELAND RD
KING OF PRUSSIA PA 19406-0939

COPY MAILED

JAN 0 9 2006

OFFICE OF PETITIONS

In re Application of :
Boehm, et al. :
Application No. 60/719,729 : DECISION ON PETITION
Filed: September 22, 2005 :
Attorney Docket No. PU61050P1 :

This is a decision on the "PETITION UNDER 37 CFR 1.17(f)", filed December 1, 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 September 22, 2005, with pages 30 - 32 of the specification as a part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on September 22, 2005. However, on October 5, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Item(s) in a Provisional Application." Applicants were notified that the application papers had been accorded a filing date; however, pages 30 - 32 of the specification appeared to have been omitted.

In response, applicants filed the instant petition. Accompanying the petition was a copy of the specification, including pages 30 - 32. In support thereof, applicants submitted a postcard receipt identifying this application, itemizing "Specification 129 pages" as enclosed, bearing a United States Patent and Trademark Office date-stamp of September 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 the petition, the $400 petition fee has been refunded to Deposit Account No. 19-2570.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of September 22, 2005, using the application papers received in the Office on that date and the copy of pages 30 - 32 of the specification supplied on petition filed December 1, 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/719,787	09/23/2005		100	021305-006800US	4		

CONFIRMATION NO. 8170

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

CORRECTED FILING RECEIPT

OC000000017628944

Date Mailed: 12/09/2005

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)

Geroge Tidmarsh, Portola Valley, CA;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 10/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/719,787

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Anti-cancer therapies

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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NOT GRANTED

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www.uspto.gov

BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

COPY MAILED

NOV 0 8 2005

OFFICE OF PETITIONS

In re Application of
Perry
Application No. 60/720,315
Deposited: September 23, 2005
Attorney Docket No. 3337-78753
For: LOCKING MECHANISM FOR WHEELED SCAFFOLD

DECISION GRANTING PETITION

This is a decision on the petition filed October 13, 2005 (certificate of mailing date October 11, 2005), requesting that the above-identified application be accorded a filing date of September 23, 2005. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on September 23, 2005. On October 5, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application informing petitioner that no filing date had been accorded to the application papers deposited on September 23, 2005 because no drawing was present, as is required by 35 U.S.C. 113.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of September 23, 2005 on the basis that 7 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on September 23, 2005. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing September 23, 2005 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 7 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 7 sheets of drawings were filed on September 23, 2005. MPEP 503. Accordingly, the request is granted. Pursuant to petitioner's request, deposit account no. 10-0435 will be credited the $400.00 fee submitted with the present petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 23, 2005**, using the copy of the 7 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 7 sheets of drawings were present on filing.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

The Bear Mill
E. 2755 Nettleton Gulch Road
Coeur d' Alene ID 83815

COPY MAILED

JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Shirkey :
Application No. 60/720,613 :
Filed: September 27, 2005 : ON PETITION
Attorney Docket No. N/A :
For: CARRIER TO TRANSPORT SOFT TOYS

This is a decision on the petition under 37 CFR 1.181, filed June 23, 2006, to withdraw the holding of abandonment in 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. There is no need to submit another petition fee.

The petition is dismissed and the merits of the petition will not be addressed because the petition is not signed by a proper party.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Janis E. Fenton, President of The Bear Mill. Ms. Fenton has not provided an attorney/agent registration number. Ms. Fenton has not shown that she is an authorized representative of an assignee who has right to take action. Ms. Fenton is not the inventor.

In short, Ms. Fenton has not established that she is permitted to file amendments and other papers in this application.

In any reconsideration petition, petitioner is encouraged to either (a) submit Ms. Fenton'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 Ms. Fenton and in this manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by the inventor.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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
60/720,822	09/26/2005		100	913162.457P1	1		

CONFIRMATION NO. 6319

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

CORRECTED FILING RECEIPT

OC000000018268346

Date Mailed: 03/13/2006

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)

Mizuo Nakayama, Shibuya-ku, JAPAN;
Takehiko Matsumura, Shibuya-ku, JAPAN;
Hidero Akiyama, Shibuya-ku, JAPAN;
Akihiko Matsumura, Shibuya-ku, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **00500**.

If Required, Foreign Filing License Granted: 02/23/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/720,822

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

General purpose electrolyte composition for iontophoresis

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, 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
60/720,829	09/26/2005		100	026046-000100US	5		

CONFIRMATION NO. 6312

CORRECTED FILING RECEIPT

OC000000017459796

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

Date Mailed: 11/15/2005

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)

Dana A. Reed, Grand Ledge, MI;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 10/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/720,829

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Identity management system for enterprise environment

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/720,830	09/26/2005		100	SF06-011-1	7		

CONFIRMATION NO. 6310

CORRECTED FILING RECEIPT

OC000000017273275

8156
JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

Date Mailed: 10/18/2005

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)

Jeffrey C. Lotz, San Francisco, CA;
David S. Bradford, San Francisco, CA;

Power of Attorney:

John O'Banion--33201

If Required, Foreign Filing License Granted: 10/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/720,830

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Articulating instrumentation for dynamic spinal stabilization

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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.

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60/720,831	09/26/2005		100	913162.458P1	1		

CONFIRMATION NO. 6307

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

FILING RECEIPT

OC000000017313608

Date Mailed: 10/24/2005

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

Applicant(s)

Mizuo Nakayama, Shibuya-ku, JAPAN;
Takehiko Matsumura, Shibuya-ku, JAPAN;
Hidero Akiyama, Shibuya-ku, JAPAN;
Akihiko Matsumura, Shibuya-ku, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **00500**.

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Iontophoresis device having dosage stopping system using adverse reaction information from a sensor

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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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
60/720,854	09/26/2005		100	83350-100	12		

CONFIRMATION NO. 6314

28765
WINSTON & STRAWN LLP
1700 K STREET, N.W.
WASHINGTON, DC 20006

CORRECTED FILING RECEIPT

OC000000017823093

Date Mailed: 01/11/2006

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)

Andrew Ress, Boca Raton, FL;
Bal Ram Singh, Dartmouth, MA;

Power of Attorney: The patent practitioners associated with Customer Number **28765**.

If Required, Foreign Filing License Granted: 10/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/720,854

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

Stabilization of clostridium botulinum neurotoxin complex

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NOT GRANTED

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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FEB 0 8 2006

OFFICE OF PETITIONS

In re Application of :
Goldfine, et al. :
Application No. 60/720,859 : DECISION GRANTING PETITION
Filed: September 27, 2005 :
Attorney Docket No. 1884.2053-000 :

This is a decision on the petition filed October 13, 2005, to vacate the "Notice of Omitted Items in Provisional Application (the "Notice").

The petition is **granted**.

On September 27, 2005, the above-identified application was filed. However, on October 13, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date, but that page 1 of the specification, appeared to have been omitted. The Notice set a two-month period for reply.

In response, on October 13, 2005, applicant filed the present petition, a copy page 1 of the specification, and an Office date-stamped postcard receipt acknowledging receipt of 87 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 September 27, 2005, included 87 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 September 27, 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 September 27, 2005, using the 87 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

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
60/720,869	09/27/2005		100	4229-102 PRV			

CONFIRMATION NO. 4898

23448
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

CORRECTED FILING RECEIPT

OC000000017265557

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)

Mark L. Cobb, Dallas, TX;
Alyson Cobb, Dallas, TX;

Power of Attorney:

Tristan Fuierer--52926

If Required, Foreign Filing License Granted: 10/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/720,869

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 bipolar disorder utilizing anti-fungal compositions

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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CHEVRON TEXACO CORPORATION
P.O. BOX 6006
SAN RAMON, CA 94583-0806

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FEB 0 9 2007

OFFICE OF PETITIONS

In re Application of :
David Shipley et al :
Application No. 60/720,953 : ON PETITION
Filed: September 26, 2005 :
Attorney Docket No. T-6617 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 16, 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 (Notice) mailed October 11, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 12, 2005.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Richard J. Schulte
6001 Bollinger Canyon Road
San Ramon, CA 94583

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/721,053	09/27/2005		700	SPINE 3.8-494 III	39		

CONFIRMATION NO. 4840

CORRECTED FILING RECEIPT

OC000000017458639

000530
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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)

Rafail Zubok, Midland Park, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **51640**.

If Required, Foreign Filing License Granted: 10/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/721,053

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

Non-Publication Request: No

Early Publication Request: No

Title

Intervertebral disc and insertion methods therefor

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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60/721,232	09/27/2005		200	10757.003-US	5		

CONFIRMATION NO. 6880

25907
NOVOZYMES, INC.
1445 DREW AVE
DAVIS, CA 95616

CORRECTED FILING RECEIPT

OC000000017426580

Date Mailed: 11/09/2005

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Applicant(s)

Kristoffer Tommeraas, Malmo, SWEDEN;

Power of Attorney: The patent practitioners associated with Customer Number **25907**.

If Required, Foreign Filing License Granted: 10/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/721,232

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

Non-Publication Request: No

Early Publication Request: No

Title

Aryl/alkyl succinic anhydride-hyaluronan 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.

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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FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

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FEB 09 2006

OFFICE OF PETITIONS

In re Application of :
Wu, et al. :
Application No. 60/721,320 :
Filed: September 27, 2005 :
Attorney Docket No. B1110.70008US00 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed December 15, 2005, to change the order of the names of the inventors.

The petition is granted.

The order of the names of the inventors will be changed as follows:

1. Yuan Wu
2. Xiaoxi Wu
3. Isaac Berzin

This application is being forwarded to Initial Patent Examination Division for further processing. A corrected filing receipt is enclosed.

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

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

Attachment: Corrected Filing Receipt

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/721,320	09/27/2005		100	B1110.70008US00	8		

CONFIRMATION NO. 7604

CORRECTED FILING RECEIPT

OC000000018014667

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

Date Mailed: 02/09/2006

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)

Yuan Wu, Wuhan, CHINA;
Xiaoxi Wu, Piscataway, NJ;
Isaac Berzin, Newton, MA;

Power of Attorney:
Michael Pomianek--46190

If Required, Foreign Filing License Granted: 10/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/721,320

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

Removal of ash and sulfur dioxide in flue gas with a combined multifunction impinging stream gas-liquid 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.

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject

matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of :
Schuessler, et al. :
Application No. 60/721,574 :
Filed: September 29, 2005 :
Attorney Docket No. 2319.0360000 :

ON PETITION

This is a decision on the petition filed October 21, 2005, requesting that the above identified provisional application be accorded a filing date of September 29, 2005.

The provisional application was deposited on September 29, 2005. However, on October 17, 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 September 29, 2005, includes the description of Figure 1.

In response to the Notice, on October 21, 2005, the instant petition was filed.

Petitioner states, in pertinent part, "Applicants have considered whether drawings are necessary under 35 U.S.C. 113, and have determined that drawings are not necessary in the present provisional application 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.

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 September 29, 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

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1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

In re Application of :
Hemley et al. :
Application No. 60/721,584 :
Filed: November 15, 2005 : DECISION ON PETITION
Title of Invention: :
DIAMOND USES/APPLICATIONS :
BASED ON SINGLE-CRYSTAL CVD :
DIAMOND PRODUCED AT RAPID :
GROWTH RATE :

This is a decision on the Petition to Submit Omitted Figures, filed November 15, 2005.

The above-identified application was filed on September 29, 2005. On October 31, 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, Figures 8 and 9 described in the specification appeared to have been omitted from the application.

Applicant files the instant petition and submits drawing Figures 8 and 9. Applicant requests that, "if the [USPTO] does not revert back to the original filing date for this provisional application, *i.e.* September 29, 2005, the filing date of this petition become the filing date for the provisional application."

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)

Accordingly, the petition is granted.

The Application will be accorded as a filing date the date the date that drawing Figures 8 and 9 were submitted, November 15, 2005.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to November 15, 2005, including drawing Figures 8 and 9 filed on November 15, 2005, and for the mailing of a corrected filing receipt and Notice of Omitted Item(s) in a Provisional Application requiring a newly executed oath or declaration referring to drawing Figures 8 and 9.

The petition fee has been charged to deposit account 50-0310 as authorized in the instant petition.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Perlegen Sciences, Inc.
Legal Department
2021 Stierlin Court
Mountain View, CA 94043

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OFFICE OF PETITIONS

In re Application of
Cox et al.
Application No. 60/721,835
Filed: September 28, 2005
Attorney Docket No. 300/1081-01

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed November 15, 2006, requesting that the above-identified application be accorded a filing date of September 28, 2005, rather than the presently accorded date of September 27, 2005.

A grantable petition under 37 CFR 1.10(d) must include:

(1) The filing of a petition 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 placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and,

(3) 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.

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.

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. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail. 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. Conversely, evidence 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 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") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on September 28, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label No. EV322047484US, showing an alleged incorrect date-in of September 27, 2005, and a USPS date-stamp of September 28, 2005. The same Express Mail label number appears on the original application papers, which constitute the official file record for this case.

A review of the Track & Confirm record from the USPS website shows a date of acceptance of an Express Mail package, bearing Express Mail label No. EV322047484US, in Mountain View, CA 94041, on September 28, 2005, at 4:06 PM.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on September 28, 2005, as shown by the copy of the USPS Track & Confirm record and the USPS date-stamp on the label. Accordingly, the petition under 37 CFR 1.10(d) is granted. This application will be accorded a filing date of September 28, 2005.

This matter is being referred to the Office of Initial Patent Examination for correction of the filing date to September 28, 2005, and for issuance of a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Danny Jacobs
116 Summerford-Orr Rd
Falkville, AL 35622

In re Application of :
Jacobs :
Application No.: 60/721,897 :
Filing Date: September 30, 2005 :
Atty. Docket No.: N/A :
For: Universal Marker Holder :

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This is a decision on the Petition Under 37 CFR 1.137(b) filed on August 2, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the required reply to the Notice To File Missing Parts mailed on October 13, 2005 in a timely manner; said Notice set a period for reply of two (2) months, extendable under 37 CFR 1.136(a). Accordingly, the above-identified application became abandoned on May 15, 2006 (since May 13, 2006 was a Saturday). A Notice of Abandonment was mailed on June 28, 2006.

Petitioner has met the requirements for revival under 37 CFR 1.137(b). Petitioner submitted the reply in the form of the $25.00 balance of the basic filing fee and the $25.00 surcharge, paid the petition fee and made the required statement of unintentional delay. No Terminal Disclaimer is required since this application was filed after June 8, 1995. Accordingly, it would be appropriate to grant the petition pursuant to 37 CFR 1.137(b).

Accordingly, as the petition under 37 CFR 1.137(b) is granted, provisional application 60/721,897 is revived for the full twelve (12) month period following the filing of the provisional application, which period ended September 30, 2006. *See* 35 U.S.C. 111(b)(5); 37 CFR 1.137(e).

This application is being referred to the Office of Initial Patent Examination (OIPE).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
on behalf of
Office of Petitions

Telephone: 571-272-3283
Facsimile: 571-273-0459

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

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OFFICE OF PETITIONS

In re Application of :
Grounsell :
Application No. 60/721,902 : ON PETITION
Filed: September 30, 2005 :
Attorney Docket No. MR3677-3/P :
For: ALGORITHM FOR INSULIN ADMINISTRATION

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2006, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application, mailed October 14, 2005, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on December 15, 2005. A Notice of Abandonment was mailed on June 28, 2006.

Applicant has submitted a proper reply to the October 14, 2005 Notice in the form of a completed Provisional Application for Patent Cover Sheet and a $25.00 surcharge, an acceptable statement of the unintentional nature of the delay in responding to the October 14, 2005 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

On July 31, 2006, Robert Booth attempted to file a petition to revive. He did not establish his right to file papers in this application. Therefore, the petition was not addressed. Mr. Booth submitted a $750.00 petition fee on July 31, 2006. This fee will be refunded via a treasury check that will be scheduled shortly.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
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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ELLICOTT CITY MD 21043

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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Grounsell :
Application No. 60/721,902 :
Filed: September 30, 2005 :
Attorney Docket No. MR3677-3/P :
For: ALGORITHM FOR INSULIN ADMINISTRATION

This is a decision on the petition under 37 CFR 1.137(b), filed July 31, 2006 (certificate of mailing date July 27, 2006), to revive the above-identified application.

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

On July 31, 2006, Robert Booth attempted to file the present petition to revive. He did not establish his right to file papers in this application. Therefore, the petition is dismissed.

It is noted that the $750.00 petition fee submitted with Mr. Booth's petition has already been refunded and a proper petition to revive, filed September 19, 2006, was granted on October 19, 2006.

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: ROBERT BOOTH
14-D PELHAM RIDGE DR.
GREENVILLE, SC 29615

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

In re Application of
Craig Andrew Kaplan :
Application No. 60/722,101 : ON PETITION
Filed: September 30, 2005
Attorney Docket Number: **61117-8003.US00**

This is a decision on the petition under 37 CFR 1.137(b)[1], filed August 11, 2008, to revive the above identified application. This decision also responds to the petition to expedite filed August 22, 2008 under 37 CFR 1.182.

The petition under 37 CFR 1.137(b) is **GRANTED**.
The petition under 37 CFR 1.182 is **GRANTED**.

This application became abandoned January 10, 2006 for failure to timely reply to the Notice to File Missing Parts mailed November 9, 2005, which set a two (2) month shortened statutory period for reply. A response was filed on December 20, 2005 but the reply did not include all of the items required in the Notice mailed November 9, 2005 and thus a Notice of Incomplete Reply was mailed January 19, 2006. Accordingly, a Notice of Abandonment was mailed May 29, 2008.

The filing of the response to the Notice to File Missing Parts mailed August 11, 2008 is acknowledged and the petition fees in the amount of $770.00 and $400.00 have been charged to deposit account no. 50-2207. All other requirements having been met, this matter is being referred to the Office of Patent Application Processing or 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/723,896	10/05/2005		200	2005P18053 US	1		

CONFIRMATION NO. 1128

CORRECTED FILING RECEIPT

OC000000017860068

028524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

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)

Fusheng Wang, Plainsboro, NJ;
Yijian Bai, Los Angeles, CA;
Peiya Liu, East Brunswick, NJ;

Power of Attorney:
Michele Conover--34962

If Required, Foreign Filing License Granted: 11/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/723,896

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 of event stream processing with data stream management systems

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

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OFFICE OF PETITIONS

In re Application of Stump et al. :
Application No. 60/724,306 : Decision on Petition
Filing Date: October 6, 2005 :
Attorney Docket No. 21113.0001U2 :

This is a decision on the paper filed on April 16, 2006, which is being treated as a petition under 37 CFR 1.181 to withdraw the termination of proceedings, and as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of October 6, 2005.

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

The petition under 37 CFR 1.53 is **granted**.

Facts:

The application was filed on October 6, 2005.

Although the application contained a section entitled, "Brief Description of the Drawings," drawings were not filed with the application.

On November 10, 2005, a Notice was mailed stating that drawings did not appear to be included as part of the application filed. The Notice stated a filing date had not been accorded and the filing date would be the date of receipt of drawings. The Notice stated proceedings would be terminated unless a reply to the Notice was filed within two months.

Petitioner has provided a showing in compliance with 37 CFR 1.8(b) establishing a petition under 37 CFR 1.53 was mailed to the Office on December 30, 2005. Office financial records indicate $130 was charged to petitioner's credit card on January 4, 2005.

Unfortunately, the petition under 37 CFR 1.53 was misplaced by the Office and was not matched with the file.

On March 20, 2006, the Office mailed a Notice of Termination of Proceedings based on the failure to receive a reply to the November 10, 2005 Notice.

The instant petitions were filed on April 18, 2005.

Discussion:

The petition under 37 CFR 1.181

A Notice of Incomplete Application was mailed November 10, 2005. Petitioner has established a reply was timely mailed in compliance with 37 CFR 1.8(a).

The Notice of Termination of Proceedings is hereby vacated and proceedings are not terminated.

The petition under 37 CFR 1.53

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) 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.

This application contains some disclosure directed to a process or method. Therefore, the application will be accorded a filing date of October 6, 2005.

In view of the above, the Notice mailed November 10, 2005, was mailed in error and is hereby withdrawn.

The application will be accorded the October 6, 2005 filing date without drawings as requested in the petition.

Fees:

A total of $350 was submitted with the application. The Office refunded $220 of the $350 on March 22, 2006. The $220 will be charged to petitioner's deposit account since the fee was refunded in error.

A petition fee of $130 was submitted for the petition under 37 CFR 1.53. The current fee for a petition under 37 CFR 1.53 is $400. Therefore, $270 was charged to petitioner's deposit account. The $130 will be credited back to the credit card and the $270 will be credited back to petitioner's deposit account.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 6, 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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MCKAY, & BRUNEAU, P.A.
100 THANET CIRCLE, SUITE 306
PRINCETON, NJ 08540

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OFFICE OF PETITIONS

In re Application of :
Lacour et al. :
Application No. 60/724,684 :
Filed: October 7, 2005 : ON PETITION
Attorney Docket No. 4555-131.1P US :

This is a decision on the Petition to Notice of Incomplete Provisional Application, filed November 4, 2005, requesting the above-identified application be accorded a filing date of October 7, 2005.

The application was filed on October 7, 2005. On October 26, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating that the application had not been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that the drawings are not necessary for an understanding of the subject matter sought to be patented.

Accordingly, the petition is granted.

No fee has been charged and none is due.

The application will be accorded the original application filing date of October 7, 2005, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of Gallagher :
Application No. 60/724,691 : Decision on Petition
Filing Date: October 7, 2005 :
Attorney Docket No. GALLR-71921 :

This is a decision on the petition filed November 14, 2005, under 37 CFR 1.10(d) to accord the above-identified application a filing date of October 7, 2005, instead of October 8, 2005.

The petition is **granted**.

The "Express Mail" mailing label supplied with the petition fails to include a date-in. Therefore, the instant petition is properly considered under 37 CFR 1.10(d).

Petitioner has satisfied the requirements of 37 CFR 1.10(d) and the application will be accorded a filing date of October 7, 2005.

The Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of October 7, 2005.

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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HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

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OFFICE OF PETITIONS

In re Application of :
Pannell et al. :
Application No. 60/724,942 : DECISION ON
Deposited: October 7, 2005 : PETITION
Attorney Docket No. MP0597PR3 :

This is in response to the petition filed November 8, 2005, requesting that the application be accorded a filing date of October 7, 2005 and the entry of drawings not submitted with the original disclosure.

The application was deposited on October 7, 2005. However, on October 25, 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 November 8, 2005, the present petition was filed. Petitioner acknowledges that the application was deposited without drawings. However, petitioner contends that the above-identified application incorporated by reference two additional provisional applications which contain the same drawings and thus the drawings should be entered because they do not constitute new matter. In the alternative, petitioner states that drawings are not necessary for an understanding of the claimed subject matter and, therefore, the application should be accorded the October 7, 2005 filing date without any drawings.

Application papers not present in this application on filing cannot be considered part of the original application disclosure.

The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. See 35 U.S.C. 111(b)(4) and 37 C.F.R. 1.53(c). Thus, in a provisional application, petitioner does not have the option of amending the application to include figures on the basis that those figures do not constitute new matter.

Furthermore, with regard to omitted figures in provisional applications, MPEP 601.01(d) specifically provides that:

> The submission of omitted page(s) or drawing(s) in a nonprovisional application and acceptance of the date of such submission as the application filing date is tantamount to simply filing a new application. Thus, applicants should consider filing a new application as an alternative to submitting a petition under 37 C.F.R. 1.182 (with the petition fee under 37 C.F.R. 1.17(h)) with any omitted page(s) or drawing(s), which is a cost effective alternative in instances in which a nonprovisional application is deposited without filing fees. Likewise, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 C.F.R. 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

Thus, it is concluded that applicants do not have the option of amending this provisional application to include the inadvertently omitted figures nor can applicants submit the omitted figures and accept a later filing date.

However, 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-in-Part**.

A review of the record shows the $400.00 petition fee was not submitted with the petition. Accordingly, pursuant to petitioner's request deposit account 08-0750 will be charged $400.00. The petition fee will not be refunded because it was not necessitated by Office error.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **October 7, 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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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ATTN: INTELLECTUAL PROPERTY DEPT.
11119 NORTH TORREY PINES ROAD
LA JOLLA, CA 92037

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FEB 09 2006

OFFICE OF PETITIONS

In re Application of :
Erion, et al. :
Application No. 60/725,169 :
Filed: October 6, 2005 :
Attorney Docket No. MTI-063.PRO2 :

ON PETITION

This is a decision on the petition filed December 21, 2005, requesting that the above identified provisional application be accorded a filing date of October 6, 2005.

The provisional application was deposited on October 6, 2005. However, on October 25, 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 October 6, 2005, includes the description of Figures 1a-1f, 2a-2b, 3a-3b, 4a-4b and 5.

In response to the Notice, on December 21, 2005, the instant petition was filed.

Petitioner states:

"Applicants hereby petition for acceptance of the provisional application papers filed without drawings on October 6, 2005, and Applicants hereby petition for accordance of the filing date of said submission of provisional application papers. Applicants assert that drawings 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.

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 October 6, 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

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ATTN: INTELLECTUAL PROPERTY DEPT.
11119 NORTH TORREY PINES ROAD
LA JOLLA, CA 92037

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FEB 0 9 2006

OFFICE OF PETITIONS

In re Application of :
Erion, et al. :
Application No. 60/725,170 :
Filed: October 6, 2005 :
Attorney Docket No. MTI-063.PRO2 :

ON PETITION

This is a decision on the petition filed December 21, 2005, requesting that the above identified provisional application be accorded a filing date of October 6, 2005.

The provisional application was deposited on October 6, 2005. However, on October 25, 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 October 6, 2005, includes the description of Figures 1a-1f, 2a-2b, 3a-3b, 4a-4b and 5.

In response to the Notice, on December 21, 2005, the instant petition was filed.

Petitioner states:

"Applicants hereby petition for acceptance of the provisional application papers filed without drawings on October 6, 2005, and Applicants hereby petition for accordance of the filing date of said submission of provisional application papers. Applicants assert that drawings 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.

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 October 6, 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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/725,239	10/11/2005		200	ECV-5833PRO			

CONFIRMATION NO. 9510

CORRECTED FILING RECEIPT

OC000000017591521

30452
EDWARDS LIFESCIENCES CORPORATION
LEGAL DEPARTMENT
ONE EDWARDS WAY
IRVINE, CA 92614

Date Mailed: 12/06/2005

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)

Bin Tian, Irvine, CA;

Power of Attorney: None

If Required, Foreign Filing License Granted: 10/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/725,239

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

Non-Publication Request: No

Early Publication Request: No

Title

Osteopontin mutants

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/725,243	10/12/2005	John Gregory Fields	

CONFIRMATION NO.

John G. Fields
328 Harris Hill Dr.
Athens, GA 30607

Date Mailed: 12/22/2005

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/14/2005,** 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

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
60/725,536	10/10/2005		100	600.682PRV	1		

CONFIRMATION NO. 8263

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

CORRECTED FILING RECEIPT

OC000000017597403

Date Mailed: 12/07/2005

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)

Khanh C. Hoang, Minneapolis, MN;
Dmitry Malakov, Minneapolis, MN;
William E. Momsen, Minneapolis, MN;
Howard L. Brockman, Minneapolis, MN;

Power of Attorney:
David Black--42331

If Required, Foreign Filing License Granted: 11/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/725,536

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method for monitoring the adsorption of solutes to monomolecular lipid interfaces

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

COPY MAILED

OCT 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Leonid Beigelman et al	:	
Application No. 60/725,564	:	DECISION GRANTING
Filed: October 11, 2005	:	PETITION
Attorney Docket No. INTMU.023PR	:	

This is a decision on the petition, filed January 30, 2006, requesting that the above-identified application be accorded a filing date of October 11, 2005, rather than the presently accorded date of October 12, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on October 11, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EV 468063322 US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of October 11, 2005.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on October 11, 2005.

In view of the above, the petition is **GRANTED**. A corrected Filing Receipt accompanies this decision on petition.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for processing with a filing date of **October 11, 2005**.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 3218. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

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
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/725,564	10/11/2005		100	INTMU.023PR			

CONFIRMATION NO. 8279

CORRECTED FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

OC000000020832390

Date Mailed: 10/13/2006

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)

Leonid Beigelman, San Mateo, CA;
Scott D. Seiwert, Pacifica, CA;
Lawrence M. Blatt, San Francisco, CA;
Steven W. Andrews, Longmont, CO;

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

If Required, Foreign Filing License Granted: 11/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/725,564

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 and methods for inhibiting hepatitis C viral replication

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

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

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MACMILLAN SOBANSKI & TODD
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

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MAY 26 2006

OFFICE OF PETITIONS

In re Application of	:	
James M. Koerlin	:	DECISION GRANTING
Application No. 60/725,570	:	PETITION
Filed: October 11, 2005	:	
Attorney Docket No. 01-27515	:	

This is a decision on the petition, filed November 10, 2005, requesting that the above-identified application be accorded a filing date of October 11, 2005, rather than the presently accorded filing date of October 12, 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 October 11, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of the Express Mail label, receipt No. EV793228503US, showing a Date-In of October 12, 2005. Further, the petition is accompanied by a copy of the USPS Track/Confirm information system showing that the package in question, bearing the same Express Mail number found on the original application for patent cover sheet, was enroute on October 11, 2005.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 11, 2005. Accordingly, the instant application file is entitled to a filing date of October 11, 2005, and has been so accorded.

The petition is granted.

This application is being referred to the Office of Initial Patent Examination for processing with a filing date of October 11, 2005.

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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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO CA 90245-0956

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OFFICE OF PETITIONS

In re Application of :
Norin :
Filed: October 12, 2005 : ON PETITION
Application No. 60/726,118 :
Dkt. No.: PD-205058 :

This decision is in response to the "PETITION UNDER 37 C.F.R. §1.53(e)," filed January 3, 2006.

The petition is **DISMISSED**.

The application was filed October 12, 2005. On October 28, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application ("Notice"). The Notice indicated that the application had been accorded a filing date but that figures 6A-6B, 7, 8, and 9 as described in the specification appeared to have been omitted from the application as filed.

Petitioner argues that the drawings in question are not necessary for an understanding of the subject matter sought to be patent. Petitioner requests that the application maintain its original filing date and that the copy of the drawings submitted with the petition, which includes the figures in question, be entered into the record.

Petitioner has not argued that the figures in question were in fact submitted on October 12, 2005 and have not submitted any evidence to this effect, such as a return receipt postcard date stamped by the USPTO acknowledging receipt of the figures in question. Petitioner has, however, submitted a copy of the figures in question and request entry of said figures into the record.

Petitioner has constructively accepted the application as filed on October 12, 2005 without the figures in question as part of the application as filed as no evidence of receipt has been proffered. As a provisional application is not subject to examination, the application cannot be amended to admit into the record the figures in question as requested by petitioner.

Accordingly, the application will be processed with only the papers present on filing with a filing date of October 12, 2005, and, thus, will not include any drawings, specifically the figures in question, which were submitted subsequent to that date.

Any request for reconsideration of this decision must be filed within two (2) months of the mail date of the instant decision to be considered timely and should be entitled "Renewed Petition under 37 CFR 1.53(e). This time period may not be extended under 37 CFR 1.136.

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

The application is being returned to the Office of Initial Patent Examination for further processing without entry into the record of the drawings in question with a filing date of October 12, 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
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Paper No.

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION
RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

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FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Kesse Ho : DECISION ON PETITION
Application No. 60/726,150 :
Filed: October 12, 2005 :
Atty Docket No. PD-205060 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.53(e)," filed January 18, 2006. Petitioner states that this petition is being submitted in accordance with M.P.E.P. §601.01(g) to supply the Office with drawings corresponding to the specification filed on October 12, 2005.

Application papers in the above-identified application were deposited on October 12, 2005. However, on November 15, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Items in a Provisional Application," notifying applicant that the application papers had been accorded a filing date of October 12, 2005; however, figures 3A and 3B described in the specification appeared to have been omitted.

In response, the present petition was timely filed requesting, in effect, that the application be amended to include the drawings corresponding to the specification as supplied on petition filed January 18, 2006 (rather than the drawings received in the Office on October 12, 2005).

The petition is **dismissed**.

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. In this instance, a specification and 5 sheets of drawings (figures 1-5) were received in the Office on October 12, 2005. Accordingly, this provisional application was properly accorded a filing date of October 12, 2005.

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). With respect to a provisional application, 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. Furthermore, no amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. See § 1.53(c).

In this case, petitioner does not assert that the missing drawing figures were deposited on October 12, 2005. Instead, applicant seeks to amend the application to include the drawing figures. Petitioner argues that one of skill in the art would be able to create the drawings from the detailed description as originally filed. As such, petitioner contends the figures provided could be produced by one skilled in the art, and should be afforded the filing date of the original specification. Applicant further states that no new matter has been added to the specification. However, regardless of whether no new matter is present, pursuant to § 1.53(c), no amendment of this provisional application may occur.

Accordingly, the petition is inappropriate and is subject to dismissal.

The petition fee will not be refunded as the petition was not necessary to correct any error on the part of the Office.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 12, 2005, including an indication in Office records that 5 sheets of drawings were present on filing (the sheets received on October 12, 2005).

The 4 sheets of drawings supplied January 18, 2006 will not be entered.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DIW Jan-07

CHEN SUN
5900 RANCHESTER DR. # 706
HOUSTON TX 77036

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JAN 0 9 2007

OFFICE OF PETITIONS

In re Application of	:	
Chen Sun	:	
Application No. 60/726368	:	DECISION ON PETITION
Filed: 10/13/2005	:	
For: EMAIL SIGNATURE USING CODED EMAIL ADDRESSES	:	

This is a decision on the petition filed on 11 October, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 9 January, 2006, for failure to timely respond to the Notice to File Missing Parts of Provisional Application mailed on 8 November, 2005, which set a two (2) month shortened period for reply. No extensions of time

---

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

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

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

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

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

under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 3 August, 2006.

The fee required by the Notice mailed on 8 November, 2005, has been received.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GLENN PATENT GROUP
STE L
3475 EDISON WAY
MENLO PARK CA 94025

COPY MAILED

SEP 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Disch, et al.	:	
Application No. 60/726,389	:	ON PETITION
Filed: October 12, 2005	:	
Attorney Docket No. SCHO0240PR	:	

This is a decision on the "PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.182", filed January 27, 2006.

Applicants have filed the petition to change the name of inventor Gerald Aotho to Gerald Hotho.

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)

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
60/726,389	10/12/2005		200	SCHO0240PR	1		

CONFIRMATION NO. 4394

Glenn Patent Group
Ste. L
3475 Edison Way
Menlo Park, CA 94025

CORRECTED FILING RECEIPT

OC000000020396187

OC000000020396187

Date Mailed: 09/12/2006

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)

Sascha Disch, Fuerth, GERMANY;
Juergen Herre, Buckenhof, GERMANY;
Matthias Neusinger, Rohr, GERMANY;
Jeroen Breebaart, Eindhoven, NETHERLANDS;
Gerard Hotho, Eindhoven, NETHERLANDS;

Power of Attorney: The patent practitioners associated with Customer Number **22862**.

If Required, Foreign Filing License Granted: 10/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/726,389

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method for improved temporal and spatial shaping of multi-channel audio signals

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
60/726,427	10/13/2005		200	132,822	1		

CONFIRMATION NO. 4436

CORRECTED FILING RECEIPT

OC000000018903687

024587
ALCATEL USA
INTELLECTUAL PROPERTY DEPARTMENT
3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

Date Mailed: 05/23/2006

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)

Soon Teck Gibson Ang, Nashua, NH;
Min Jiang, Acton, MA;
Xian Chen, Acton, MA;
King Ma, Tewskbury, MA;

Power of Attorney:

Thomas Gellenthien--39683

If Required, Foreign Filing License Granted: 05/22/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/726,427

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Accounting based on active packet time

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

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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Paper No.

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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MAR 27 2006

OFFICE OF PETITIONS

In re Application of :
Gruskin et al. : DECISION ON
Application No. 60/726,808 : PETITION
Filed: October 13, 2005 :
Atty Docket No. 060960-5019-PR:

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.10(e) TO CONSIDER CORRESPONDENCE FILED ON DEPOSIT DATE," filed October 18, 2005, requesting that the above-identified application be accorded a filing date of October 12, 2005, rather than the presently accorded filing date of October 13, 2005.

Petitioners maintain that the original application papers were deposited in Express Mail service on October 12, 2005, in accordance with the procedures set forth in 37 CFR 1.10 and that the application is entitled to the date of deposit in Express Mail service as the filing date. Specifically, petitioners state that the envelope containing the application papers was sealed at the law firm, postage was applied, and the envelope was delivered by their agent to the US Post Office on October 12, 2005. Furthermore, a Post Office employee accepted the envelope, stamped the Express Mail receipt as being received on October 12, 2005 and returned the receipt to their agent on October 12, 2005. However, the Post Office after accepting the envelope on October 12, 2005, returned the envelope on October 13, 2005 as having insufficient postage.

In support thereof, petitioners have supplied a copy of the original application papers, including the application cover page showing the "Express Mail" mailing label No. EV701056994US thereon; a copy of "Express Mail" mailing label No. EV701056994US; and declarations from both the agent who deposited the correspondence and his supervisor. Further, the petition, which is signed by registered practitioner Frank Spanitz, includes a statement verifying the copy of the original application papers supplied with the petition as a true copy of the original correspondence.

§ 1.10(e) provides that:

> Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
>
> (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

> (4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

The instant petition was filed promptly. The copy of the cover sheet from the true copy of the original application papers evidences that the number of the Express Mail mailing label was placed on the correspondence prior to the original mailing. The petition includes a copy of the originally filed application papers, a copy of the Express Mail mailing label No. EV701056994US, bearing a USPS date-stamp of October 12, 2005 (but no handwritten "date-in"), and a statement by attorney Spanitz attesting to the deposit of the application papers on October 12, 2005. Furthermore, the Express Mail mailing label shows that the correspondence was deposited with the USPS Post Office to Addressee service and was addressed as set out in § 1.1(a) to the Office.

At issue is whether the requirement of § 1.10(e) that the correspondence was mailed "with sufficient postage" has been satisfied. Petitioners argue that "sufficient postage" as the term is used in 37 C.F.R. 1.10(e) must mean "postage sufficient for a communication enclosed in an Express Mail envelope to be accepted by the Post Office." Petitioners maintain that it was reasonable for the attorney filing the application to rely on the stamped Express Mail receipt as assurance that all USPTO filing requirements had been met.

Petitioners' evidence and arguments have been considered, but not found persuasive to show that the application papers were deposited in "Express Mail" service on October 12, 2005, in full compliance with the requirements of § 1.10. Sufficient postage may also be defined as the "postage sufficient for a communication enclosed in an Express Mail envelope to be delivered by the USPS to the intended recipient." Per this definition, the postage was clearly insufficient.

Furthermore, petitioner has not submitted any evidence that the USPS employee erred in taking the Express Mail package and date

stamping the Express Mail mailing label. It is noted that the postage was applied by the law firm, and not by the USPS. Moreover, the Express Mail mailing label supplied is not completed by a USPS employee. Specifically, the label supplied does not appear to have information completed in any of the POSTAL SERVICE boxes, including the "Flat Rate and Weight" or the "Postage" or the "Acceptance Emp. Initials." The label merely bears a USPS date-stamp of October 12, 2005. There is no indication that any USPS employee entered a handwritten "date-in", or weighed the package and entered the postage amount, or initialed the mailing label to show that they had accepted the package. These circumstances are just as consistent with a conclusion that the depositor of the Express Mail envelope sought a date-stamp on the receipt, but did not seek confirmation that the postage applied by the law firm mail room was sufficient. In other words that the depositor just handed a USPS employee the Express Mail envelope and got their date-stamp. It is unclear how the courier did not become aware at the time of presentation that the postage was insufficient? The USPS employee may not have told the depositor that the postage on the envelope was incorrect. However, the USPS employee also did not tell him that the postage was correct.

At the present time, the petition must be **DISMISSED**. However, petitioner may request reconsideration of this decision accompanied by additional evidence and/or arguments to support a conclusion that the requirement of "sufficient postage" was satisfied or with a petition and showing under § 1.183 that the requirement for sufficient postage should be waived.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision to be considered timely. 37 CFR 1.181(f).

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

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

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

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

The application is retaining a filing date of October 13, 2005.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JJGJr: 02-06

Paper No: __

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FEB 2 8 2006

OFFICE OF PETITIONS

ALNYLAM PHARMACEUTICALS
300 THIRD STREET
CAMBRIDGE MA 02142

In re Application of :
Soutscheck :
Application No. 60/726,838 : ON PETITION
Filed: 14 October, 2005 :
Attorney Docket No. ALE-021-3 :

This is a decision on the petition filed on 12 December, 2005, under 37 C.F.R. §1.182 and considered here under 37 C.F.R. §1.53.

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

BACKGROUND

The application was deposited on 14 October, 2005.

On 16 November, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (the 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 indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or
- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 12 December, 2005, Petitioner submitted the instant petition, seeking a 14 October, 2005, filing date for the application.

Petitioner seems to acknowledge therein that no figures were submitted in accordance with the Rules of Practice in that Petitioner notes that page 13 of the specification contains a section entitled "Brief Description o f Drawings" and further states: "FIG. 1 is a schematic illustrating the synthesis and structure of cholesterol conjugated RNA strands. The sphere represents the solid phase (controlled pore glass, CPG)," and suggests that a drawing might be contained therein, however, an inspection of those materials suggests that no such drawing is in evidence.

Moreover, Petitioner submits a date stamped ("101405") receipt card (see: MPEP §503[1]), however, that document includes content information on the specification, claims, abstract, fee transmittal provisional application transmittal and certificate of Express Mailing–however there is no indication as to content that includes figures/drawings.

---

[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.)

Petitioner, one registered to practice before the Office, should refer to MPEP §608.02.

ANALYSIS

Petitioner does aver, *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 indicates that, *inter alia*, the Claims contain one or more methods claims. (See: MPEP §601.01(f)(A).)

It is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01[2])

The arguments in the petition will be construed, in part, to mean that Petitioner, a registered practitioner before the Office, asserts that drawings are not necessary for a filing date in this application. Drawings as numbered Figures (Figs.) will not be further considered as a part of this case.

In view of the above, the Notice mailed on 16 November, 2005, hereby is withdrawn to the extent that it indicates no filing date will be granted.

---

[2] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an "application shall include . . . a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the "filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 (first sentence) in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35

U.S.C. 113 (first sentence) are:

(A) *Coated articles or products*: where the invention resides solely in coating or impregnating a conventional sheet (*e.g.*, paper or cloth, or an article of known and conventional character with a particu lar composition), unless significant details of structure or arrangement are involved in the article claims;

* * *

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.

* * *

CONCLUSION

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 14 October, 2005, without drawing figures as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is waived and will be refunded.

The application is being referred to the Office of Initial Patent Examination to be processed for correction of the filing date to 14 October, 2005, with the 118 pages of specification (description, claims, abstract), deposited on 14 October, 2005, and no drawing figures 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

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
60/727,024	10/13/2005		200	MS1-2870USP1	5		

CONFIRMATION NO. 7406

22801
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

CORRECTED FILING RECEIPT

OC000000017482693

Date Mailed: 11/17/2005

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)

Qiang Wang, Beijing, CHINA;
Heung-Yeung Shum, Beijing, CHINA;
Xiaoou Tang, Beijing, CHINA;

Power of Attorney:

Mark Farrell–45988

If Required, Foreign Filing License Granted: 11/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/727,024

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

Non-Publication Request: No

Early Publication Request: No

Title

Automatic 3D face modeling from video

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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801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

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DEC 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Bruce D. Melick et al. :
Application No. 60/727,605 : DECISION GRANTING PETITION
Filed: October 18, 2005 :
Attorney Docket No. P07324US00 :

This is a decision on the petition, filed November 22, 2005, requesting that the above-identified provisional application be accorded a filing date of October 18, 2005. The petition is being treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on October 18, 2005, without drawings. Accordingly, on November 10, 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 appendices submitted upon filing includes various figures, that no additional drawings are necessary and requests that the application be considered complete and accorded a filing date of October 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 November 10, 2005, was mailed in error and is hereby withdrawn. No petition fees are due and none have been charged.

The application is accorded a filing date of October 18, 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 October 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAXTOR CORPORATION
333 SOUTH STREET
SHREWSBURY, MA 01545

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JUL 12 2007

OFFICE OF PETITIONS

In re Application of :
Mark Nichols, et al. :
Application No. 60/727,623 : ON PETITION
Filed: October 18, 2005 :
Attorney Docket No. 3123-815-prov :

This is a decision on the petition under 37 CFR 1.137(b), filed by September 26, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed November 8, 2005. The notice set a two-month period to respond and required (1) a provisional application cover sheet under 37 CFR 1.51(c)(1), or an Application Data Sheet (ADS) identifying either the city and state or city and foreign country of the residence of each inventor and (2) the surcharge as set forth in 37 CFR 1.16(g) of $50. A Notice of Abandonment was mailed on July 20, 2006. On September 26, 2006, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Ted R. Rittmaster appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an ADS and the $50 surcharge; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay[1]. Accordingly, the failure to timely reply to the Notice of November 8, 2005 is accepted as being unintentionally delayed.

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.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: TED R. RITTMASTER
FOLEY AND LARDNER
2029 CENTURY PARK E STE 3500
LOS ANGELES, CA 90067

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United States Patent and Trademark Office
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MOORE & VAN ALLEN, PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

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JUL 05 2007

OFFICE OF PETITIONS

In re Application of
Kenneth D. James
Application No. 60/727,691
Filed: October 18, 2005
Attorney Docket No. 014811-457.138PRV1

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10, filed by facsimile transmission on November 3, 2006, requesting that the above-identified application be accorded a filing date of October 18, 2005, rather than the presently accorded date of October 19, 2005.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on October 18, 2005. The copy of the Express Mail label receipt No. EV 584686301 US bears a handwritten "date-in" of October 19, 2005 and contains a U. S. Postal Service (USPS) receipt date stamp, which is not legible. Petitioner is alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing, pursuant to 37 CFR 1.10, is October 18, 2005. It is also noted that the Application Transmittal Letter contained the same Express Mail label number.

Since the date stamped on the envelope is not clear, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on October 18, 2005 at the USPS. Therefore, it is concluded that the application was deposited in Express Mail service on October 18, 2005. Accordingly, the instant application is entitled to a filing date of October 18, 2005, and has been so accorded.

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

Since a petition under 37 CFR 1.10 does not require a petition fee, the $130 fee submitted with the instant petition will be credited to petitioner's deposit account.

This application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of October 18, 2005 and for issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

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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HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW MA 01106-1700

COPY MAILED

JUN 1 2 2006

OFFICE OF PETITIONS

In re Application of :
Grady :
Application No. 60/727,947 : ON PETITION
Filed: October 18, 2005 :
Attorney Docket No. 04162P :
For: GROUNDED ROTATING ANODE
X-RAY TUBE HOUSING

This is a decision on the petition under 37 CFR 1.10(c), filed November 8, 2005, requesting that the above-identified application be accorded a filing date of October 17, 2005, rather than the presently accorded filing date of October 18, 2005.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on October 17, 2005. In support of this contention, petitioners have supplied with the present petition a copy of Express Mail Receipt No. EV714686849US, bearing a "date-in" of "10 17 05". The original application transmittal found in the application file references Express Mail Receipt Number: EV714686849US.

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

Petitioner submitted a $130.00 petition fee. An additional $270.00 was charged to petitioner's deposit account. Since no petition fee is due, $400.00 will be refunded to petitioner's deposit account.

This application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **October 17, 2005.**

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/727,947	10/17/2005		100	04162P	4		

CONFIRMATION NO. 1965

27804
HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW, MA 01106-1700

CORRECTED FILING RECEIPT

OC000000019325630

Date Mailed: 06/19/2006

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)

John K. Grady, Harvard, MA;

Power of Attorney:

Donald Holland–29391

If Required, Foreign Filing License Granted: 11/03/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/727,947

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

Grounded rotating anode x-ray tube housing

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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NOT GRANTED

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

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HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

COPY MAILED

FEB 18 2009

OFFICE OF PETITIONS

In re Application of :
Wendy K. Foslien, et al. :
Application No. 60/728,129 : DECISION ON PETITION
Filed: October 18, 2005 :
Attorney Docket No. H0011641 US :

This is a decision on the petition under 37 CFR 1.182, filed, November 26, 2008, to correct the names of joint inventors Ward J. MacArthur to **J. Ward MacArthur** and SrinivasRao N. Mohan to **Mohan N. SrinivasRao**.

The petition is **GRANTED**.

Office records have been updated to reflect the inventors name changes. A corrected Filing Receipt, which reflects the inventors correct names, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
60/728,129	10/18/2005		950	H0011641 US		

CONFIRMATION NO. 2205

CORRECTED FILING RECEIPT

128
HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Date Mailed: 02/13/2009

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Wendy K. Foslien, Minneapolis, MN;
Dinkar Mylaraswamy, Saint Anthony, MN;
Mohan N. SrinivasRao, Bangalore, INDIA;
J. Ward MacArthur, Scottsdale, AZ;

Power of Attorney:
Anthony Miologos--29677

If Required, Foreign Filing License Granted: 11/17/2005
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 60/728,129**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

System for early event detection

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DIW Dec-06

UPTAKE MEDICAL CORPORATION
1924 FIRST AVENUE 3RD FLOOR
SEATTLE WA 98101

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DEC 18 2006

OFFICE OF PETITIONS

In re Application of :
Barry et al. :
Application No. 60/728,277 : DECISION ON PETITION
Filed: 19 October, 2005 :
Atty Docket No. PROV-4000-101 :

This is a decision on the petition filed on 30 September, 2006, under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are

[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 CFR1.17(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)).

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.

The application became abandoned on 22 January, 2006, for failure to timely file a response to the Notice to File Missing Parts of Provisional Application mailed on 21 November, 2005, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 3 August, 2006.

The petition is dismissed because the fees required by the Notice to File Missing Parts have not been received. Specifically, while the first page of the provisional application cover sheet has been filed, the $20.00 required towards the statutory basic filing fee, as well as a surcharge of $25.00, were not received with the petition. These fees must be paid as a prerequisite to a grantable petition to revive.

A renewed petition, including the required fees, is required.

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

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

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

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

Paper No. None

LAW OFFICES OF GARY R. STANFORD
330 W OVERLOOK MOUNTAIN RD
BUDA TX 78610

COPY MAILED

JAN 0 4 2006

OFFICE OF PETITIONS

In re Application of :
James P. Von Wolske :
Application No. 60/728,360 : DECISION ON PETITION UNDER
Filed: October 19, 2005 : 37 C.F.R. §1.182
Attorney Docket No.: VONW.0005P :
Title: VARIABLE AREA TRIM TAB :
AND MEANS TO CONTROL WATER FLOW :
ALONG A TRIM TAB AND ADDED :
PROPELLER GUARD INCLUDING :
TUNNEL PROPELLERS :

This is a decision on the petition filed November 25, 2005, requesting that the above-identified application, including Figures 44 and 45, be accorded a filing date of October 19, 2005 as part of the original disclosure.

The application was deposited on October 19, 2005. However, on November 7, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and further advising applicants that it appeared that Figures 44 and 45 had been omitted. The notice set a two-month period of reply.

In response, on October 21, 2005, applicants filed the present petition. The petition is further accompanied by a copy of Figures 44 and 45, along with a copy of applicants' postcard receipt acknowledging receipt of "drawings (15 page)" in the United States Patent and Trademark Office (Office) on October 19, 2005. Applicants request that Figures 44 and 45 be accorded a filing date of October 19, 2005.

Upon review of the electronic file, Figures 44 and 45 have not been located. It is noted that the electronic file contains 14 pages of drawings, and is missing page 14, the page on which these figures have been placed. However, the evidence is convincing that the application papers deposited on October 19, 2005 included Figures 44 and 45, and the sheet containing these figures was subsequently misplaced in the Office.

Therefore, the application, including Figures 44 and 45, was complete on filing and entitled to a filing date of October 19, 2005 as part of the original disclosure.

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

The notice mailed on November 7, 2005 was sent in error, and the notice is hereby **VACATED**. Therefore, the petition fee will be refunded to Petitioner's Deposit Account in due course.

OIPE will be advised to process the application with a filing date of October 19, 2005, using the original application papers filed on that date, as well as Figures 44 and 45 submitted on November 25, 2005 with the present petition, and for noting 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
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Alexandria, VA 22313-1450
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DIW 1T-06

GUIDO MEYER-ARNDT
WRANGEL - STR. 87
BERLIN 10997
GERMANY

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DEC 0 1 2006
OFFICE OF PETITIONS

In re Application of :
Myer-Arndt et al. :
Application No. 60/728,379 : LETTER IN RESPONSE TO
Filed: 20 October, 2005 : PETITION
For: HORIZONTAL STIFFENING :
COMPOSITE (HSC) ELEMENT-DIAGONAL :
BRACING FOR POST & BEAM :
CONSTRUCTION :

This is a decision on the paper filed on 6 September, 2006, styled as a petition under 37 CFR 1.137(a), 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.

The paper is not properly signed. Applicants are reminded that all correspondence must be signed by representatives of both joint inventors pursuant to MPEP 402.10.

The application became abandoned on 23 January, 2006, for failure to timely submit the statutory basic filing fee and surcharge as required by the Notice to File Missing Parts of Provisional Application mailed on 22 November, 2005, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on 3 August, 2006.

Petitioners assert, in pertinent part, that two identical provisional applications were filed, and that the fee was paid in the other application.

---

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. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

A review of the record reveals that no fees have been paid in this application, and no response was made to the Notice mailed on 22 November, 2005. As such, the application was properly held abandoned.

It is unclear what, if any, relief petitioners seek, as the petition states that another provisional application has been filed, and that "this formal petition is made for the reason of formal clarification only."

Nevertheless, should petitioners wish to revive this application, petitioners would need to file a petition to revive the application, accompanied by the required filing fees and the petition to revive fee.

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

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

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

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

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/728,396	10/19/2005		100	AI-101-P	4		

CONFIRMATION NO. 3615

42419
PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

CORRECTED FILING RECEIPT

OC000000017688882

Date Mailed: 12/20/2005

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)

Terry Cawley, Brookfield, IL;

Power of Attorney:

Melanie Rauch--40924

If Required, Foreign Filing License Granted: 11/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/728,396

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

Adjustable covering

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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ATTENTION OF LEONARD J. HOPE, ESQ.
THE HOPE LAW FIRM
P.O .BOX 2825
ATLANTA, GA 30301

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FEB 0 9 2006

OFFICE OF PETITIONS

In re Application of :
Chatterjee, et al. :
Application No. 60/728,666 :
Filed: October 20, 2005 :
Attorney Docket No. 60046.0119USP1 :

ON PETITION

This is a decision on the petition filed January 3, 2006, requesting that the above-identified provisional application be accorded a filing date of October 20, 2005, including Figures 2A-2C and 6A-6B, described in the specification.

The application was filed on October 20, 2005. However, on November 3, 2005, the Office of Initial Patent Application (OIPE) mailed a "Notice of Omitted Item(s)in a Provisional Application" (Notice) that stated the application had been accorded a filing date, but Figures 2A-2C, 6A, 6B described in the specification appear to have been omitted.

In response, on January 3, 2006, the instant petition was submitted. Petitioner states, "The contents of Figures 2A-2C and 6A-6B were included in the application papers as filed. However, the drawing sheets for these figures were inadvertently mislabeled as Figures 2 and 6, rather and 2A-2C and 6A-6B, respectively."

A review of the application file indicates that Figures 2A-2C and 6A-6B were submitted with the application as filed on October 20, 2005, however, the Figures were not clearly or properly labeled on the drawing sheets.

As such, it appears that the drawings of 2A-2C and 6A-6B were present on October 20, 2005, but not clearly or properly labeled by the applicants. Since it is now clear that 2A-2C and 6A-6B were present on October 20, 2005, albeit not properly labeled, the Figures may be considered as filed with the application on October 20, 2005.

The petition is **granted**.

It is noted that Petitioner has submitted replacement sheets of drawings that label 2A-2C and 6A-6B correctly.

Please note, the $400.00 petition fee is required, since a petition was necessary to correct applicants' filing error, and not necessitated by any error on the part of the Office.

This application will be returned to OIPE for further processing with a filing date of October 20, 2005.

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

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

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INNOVATION MANAGEMENT SCIENCES
P. O. BOX 1169
LOS ALTOS CA 94023-1169

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OCT 19 2006
OFFICE OF PETITIONS

In re Application of :
Mark Cyster :
Application No. 60/728,813 : DECISION ON PETITION
Filed: 19 October, 2005 :
Atty Docket No. FP-003-888 :

This is a decision on the petition filed on 2 August, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 11 January, 2006, for failure to timely submit the statutory basic filing fee and a surcharge for its late filing, as required by the Notice to File Missing Parts of Provisional Application, mailed on 10 November, 2005, which set a two (2) month shortened period for reply. No

[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

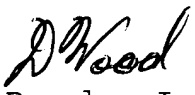
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 20 July, 2006.

Petitioner has filed the required fees.

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

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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MANELLI DENISON & SELTER
2000 M STREET, NW
WASHINGTON, DC 20036-3307

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DEC 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Myron D. Tupper :
Application No. 60/729,203 : DECISION ON PETITION
Filed: October 24, 2005 :
Attorney Docket No. 62-314-FM :

This is a decision on the petition filed November 22, 2005, in response to the Notice of Omitted Items mailed November 21, 2005. The petition is treated under 37 CFR 1.182.

On October 24, 2005, the application was filed. On November 21, 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 October 24, 2005, but that Figure 6 described in the specification appeared to have been omitted.

In response, one (1) sheet of drawings containing Figure 6 and the present petition were submitted. Petitioners assert that four (4) sheets containing Figures 1-6 were filed with the other application papers on October 24, 2005. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of October 24, 2005, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of four (4) sheets of drawings which was to contain six (6) drawing figures. Petitioners request that the application be considered complete with Figure 6 as of the date of filing, October 24, 2005.

A review of the record reveals that three (3) sheets of drawings are located among the application papers deposited on October 24, 2005 and there is no page of drawings containing Figure 6. However, from the evidence presented it is obvious that there should have been four sheets of drawings with Figure 6 on the fourth page. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including the one (1) sheet of drawings containing Figure 6 as described in the specification, is entitled to a filing date of October 24, 2005.

The "Notice" mailed on November 21, 2005, is **VACATED**.

In view of the above, the petition is **GRANTED**. The petition fee in the amount of $400.00 paid with the instant petition will be credited to deposit account no. 50-0687.

The application will be processed, using the application papers filed on October 24, 2005, and the page of drawings containing Figure 6 supplied on November 22, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 24, 2005, using the application papers filed on October 24, 2005, and the one (1) drawing sheet containing Figure 6 supplied on November 22, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Application of	:	
Moritani et al.	:	
Application No. 60/729,206	:	ON PETITION
Filed: October 24, 2005	:	
Attorney Docket No. 0020-5435PUS1	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed October 18, 2007, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Mariko FURUKAKA to Mariko OI.

A Corrected Filing Receipt is enclosed.

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: 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
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
60/729,206	10/24/2005		200	0020-5435PUS1		

CONFIRMATION NO. 8117

CORRECTED FILING RECEIPT

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 09/19/2008

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Yasunori Moritani, Osaka-fu, JAPAN;
Kimihiro Shirai, Osaka-fu, JAPAN;
Mariko Oi, Osaka-fu, JAPAN;

Power of Attorney:
Gerald Murphy Jr--28977

If Required, Foreign Filing License Granted: 10/10/2006
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 60/729,206**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Pyrazolo[1,5-A]pyramidine 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 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

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

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

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

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

NOT GRANTED

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

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
60/729,240	10/19/2005		100	040853-01-5168-P2	9		

CONFIRMATION NO. 8154

CORRECTED FILING RECEIPT

OC000000018232819

043850
MORGAN, LEWIS & BOCKIUS LLP (SF)
2 PALO ALTO SQUARE
3000 El Camino Real, Suite 700
PALO ALTO, CA 94306

Date Mailed: 03/08/2006

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)

Yun Kang, Livingston, NJ;
Walter Scott Willett, Doylestown, PA;
Thomas J. Klimek, Philadelphia, PA;
Basil Amir Campbell, Philadelphia, PA;
Paul M. Cino, Jamison, PA;
Bradley Thomas, Quakertown, PA;
John V. Bermel, Telford, PA;
Chung-Chiang Chen, Elmhurst, NY;

Power of Attorney: The patent practitioners associated with Customer Number **043850**.

If Required, Foreign Filing License Granted: 12/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/729,240

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

Manufacturing process for the production of peptides grown in insect cell lines

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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
60/729,320	10/20/2005		250	123-023	1		

CONFIRMATION NO. 8770

Michele J. Young
Steubing McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720

UPDATED FILING RECEIPT

OC000000017711306

Date Mailed: 12/22/2005

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)

Eric Bernier, Ottawa, CANADA;
Kent Felske, Kanata, CANADA;

Power of Attorney:

Michele Young--43299

If Required, Foreign Filing License Granted: 11/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/729,320

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Out of band signaling for WLAN using network name

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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NOT GRANTED

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

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NOV 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Bob Long :
Application No. 60/729,814 : ON PETITION
Filed: October 22, 2005 :
Attorney Docket No.: LongValue :

This is a decision on the Petition to Correct Filing Date Under to 37 CFR § 1.10(c) or, Alternatively Under 37 CFR § 1.10(c) in Accordance with MPEP 513, filed November 1, 2005, requesting that the above-identified application be accorded a filing date of October 22, 2005, rather than the presently accorded filing date of October 25, 2005. The petition is properly treated under 37 CFR 1.10(d).

The petition is granted.

Petitioner alleges that the application was deposited in Express Mail service on October 22, 2005. In support of this assertion, Petitioner files a copy of a "Certificate of Mailing by Express Mail", a copy of an Express Mail Log for attorney docket number LongValue, identified above and associated with the above-identified application, and a copy of the United States Postal Service Track and Confirm for what is putatively Express Mail Label ER469955652US.

Of note is that Applicant has not provided a copy of the Express Mail Label for Express Mail Label ER469966652US. As such, 37 CFR 1.10(c) does not apply[1].

Also of note is that the procedure for filing papers using the Certificate of Mail procedure under 37 CFR 1.8 do not apply to the filing of papers for the purpose of obtaining a filing date. See, 37 CFR 1.8(a)(2). As such, Applicant's Certificate of

[1] In order for 37 CFR 1.10(c) to apply, Applicant must provide a true copy of the "Express Mail" mailing label showing the "date-in".

Mailing by Express Mail may not be used to support the granting of a filing date.

A review of the United States Postal Service Track and Confirm for what is putatively Express Mail Label ER469955652US reveals that the Express Mail Label Number is indescernable. Moreover, and as Applicant notes in his petition, the Track and Confirm at best demonstrates that the Express Mail Label Number was enroute on October 24, 2005. As such, it fails to establish that the above-identified application was deposited Express Mail Post Office to Addressee on October 22, 2005.

Applicant asserts that the either the date of acceptance as shown on the Express Mail label has been incorrectly recorded by the USPTO, or has been incorrectly entered or omitted by the Post Office. However, the MPEP cautions applicants that in instances in which there is a discrepancy between the "Date-In" on the Express Mail label and the date on the certificate of Express Mailing, the "Date-In" on the Express Mail label is controlling. See also "Revision of Patent Procedure," 48 *Fed. Reg.* at 2702, 1027 *Off. Gaz. Pat. Office* at 25. As such, any applicant choosing to deposit an application in an Express mail receptacle, rather than deliver the application to an open U.S. Postal Service office and observe the "Date-In" entered on the Express Mail label, is on notice that he or she bears the risk that there may be a discrepancy between the "Date-In" on the Express Mail label and the date on the certificate of Express Mailing.[2]

The Express Mail Log

37 CFR § 1.10(d) provides a method whereby an applicant 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

[2] Specifically, the Office must rely on the actions or inactions of petitioners' duly authorized and voluntarily chosen representatives, and petitioners are bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962).

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 within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Acceptable proof would consist of an Express Mail log book, containing an entry made after deposit, by the person who deposited the correspondence as "Express Mail", and made within one business day of such deposit, setting forth, for example, the application attorney docket number or other file identification number, the "Express Mail" number, and the date, place and/or time of deposit, the last scheduled pick-up, the depositor's initials, and the date and time of entry into the log. See MPEP § 513.

Applicant's Express Mail Log satisfies 37 CFR 1.10(d).

Accordingly, the petition is **granted**.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to October 22, 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
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/730,120	10/21/2005		100	1127-A-PRO	6		

CONFIRMATION NO. 2289

CORRECTED FILING RECEIPT

OC000000018052130

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

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)

Yun Kau Tam, Yuen Long, HONG KONG;
Douglas Thacher Ridgway, Edmonton, CANADA;
James Lin, Edmonton, CANADA;
Brian Duff Sloley, Edmonton, CANADA;

Power of Attorney:
Albert Chan--36479

If Required, Foreign Filing License Granted: 11/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/730,120

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

Development of prodrugs possessing a nitric oxide donor diazen-1-ium-1, 2-diolate moiety using in vitro/in silico predictions

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

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NOT GRANTED

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McAndrews, Held & Malloy, Ltd
34th Floor
500 West Madison Street
Chicago, IL 60661

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DEC 03 2007

OFFICE OF PETITIONS

In re Application of :
Vivek Kapdekar, et. al. :
Application No. 60/730,286 : ON PETITION
Filed: October 25, 2005 :
Attorney Docket No. 101USMD101 :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 25, 2006, to revive the above-identified application. The delay in responding is regretted.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application mailed November 15, 2005. A Notice of Abandonment was mailed on July 25, 2006.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Kevin E. Borg appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of $125 for the application size fee; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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CARPENTER & KULAS, LLP
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

COPY MAILED

DEC 15 2005

OFFICE OF PETITIONS

In re Application of :
Wang et al. :
Application No. 60/730,288 :
Filed: October 25, 2005 :
For: USER INTERFACE FOR :
ARCHIVAL STORAGE OF DATA :

This is a decision on the Petition Under 37 CFR 1.53(e) to Accord a Filing Date, filed Decemver 2, 2005. The petition is properly treated under 37 CFR 1.10(c).

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on October 25, 2005. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV652794832US. A review of the Express Mail label, No. EV652794832US, reveals that the "Date In" indicated on the Express Mail label is October 25, 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 50-3000 as authorized in the instant petition.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to October 25, 2005.

Telephone inquiries concerning this matter should be directed to 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
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LAW OFFICE OF COLLEN A. BEARD, LLC
P. O. BOX 1064
DECATUR GA 30031-1064

COPY MAILED

MAR 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Goupil, et al. :
Application No. 60/730,516 : ON PETITION
Filed: October 26, 2005 :
Attorney Docket No. BioCure 280 :
For: HYDROGEL SPINAL DISC IMPLANT
WITH SWELLABLE ARTICLES

This is a decision on the petition under 37 CFR 1.53(e), filed January 17, 2006 (certificate of mailing date January 11, 2006), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed November 17, 2005.

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

The application was filed on October 26, 2005. On November 17, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners that page 14 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners argue that page 14 was filed on October 26, 2005. In support, the petition is accompanied by a copy of applicants' return postcard receipt showing 24 pages of provisional patent application were received in the Office on October 26, 2005.

A properly itemized return postcard constitutes *prima facie* evidence that the items were filed on the date stamped thereon. However, a postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. MPEP 503. The itemized postcard in this case was not properly itemized. Therefore, the Office has no way of verifying what specifically was filed on October 26, 2005.

As stated in MPEP 503, ".... For example, merely listing on the postcard... "patent application" will not serve as a proper receipt for each of the required components of an application... or missing portions (e.g., pages...) 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...."

The postcard receipt does not prove that page 14 of the specification was filed on October 26, 2005. In the future, practitioner is urged to itemize postcard receipts.

The petition is dismissed. The petition fee will not be refunded.

The application is being returned to the Office of Initial Patent Examination with a filing date of **October 26, 2005**. Page 14 is not considered part of the application filed on October 26, 2005.

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
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
60/730,547	10/25/2005		100	05-15P1	1		

CONFIRMATION NO. 4772

36814
NASTECH PHARMACEUTICAL COMPANY INC
3450 MONTE VILLA PARKWAY
BOTHELL, WA 98021-8906

CORRECTED FILING RECEIPT

OC000000017574706

Date Mailed: 12/02/2005

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)

Steven C. Quay, Seattle, WA;

Power of Attorney:

Peter Knudsen--40682

If Required, Foreign Filing License Granted: 11/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/730,547

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination therapy for treating osteoporosis by intranasal delivery of PTH(1-34) (teriparatide)

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
60/730,968	10/28/2005		200	PC33142	1		

CONFIRMATION NO. 8252

CORRECTED FILING RECEIPT

OC000000019511363

28880
WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

Date Mailed: 07/06/2006

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)

Jonathan Miller, Ann Arbor, MI;

Power of Attorney:

Michelle Sherwood–36271

If Required, Foreign Filing License Granted: 11/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/730,968

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Crystal form of sodium; (3R,5R)-7-[4-benzylcarbamoyl-2-(4-fluorophenyl)-5-isopropyl-imidazol-1-yl]-3,5-dihydroxy-heptanoate

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

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

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

NOT GRANTED

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

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PAUL S MADAN
MADAN, MOSSMAN & SRIRAM, PC
2603 AUGUSTA, SUITE 700
HOUSTON, TX 77057-1130

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OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of :
Moos : DECISION ON PETITION
Application No. 60/731,438 :
Filed: October 25, 2005 :
Docket No.: GMI-1004USP :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed August 30, 2006.

The petition is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned January 18, 2006 for failure to timely submit a proper reply to the Notice mailed November 17, 2005. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed July 25, 2006.

Petitioner asserts that a response to the Notice was filed December 6, 2005 and have included as proof of this assertion a copy of the reply as well as a copy of a return postcard and a check.

The arguments and evidence provided have been carefully considered, but found unconvincing. The copy of the postcard provided with the instant petition does not bear a date-stamp acknowledging receipt by the USPTO.

A postcard receipt that itemizes and properly identifies the items that 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 instant postcard does not bear a date stamp and as such does not establish receipt of a reply on December 6, 2005.

Correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedures of 37 CFR 1.8 are followed.

Specifically, 1.8(a)(1)(ii) requires that the correspondence include a certificate for each piece of correspondence stating the date of deposit or transmission.

The copy of the reply submitted does not bear the date of alleged deposit, and, as such, does not does not establish timely submission of the reply to the Notice.

Any renewed petition must establish that a reply to the Notice was timely submitted.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay in timely submitting a properly reply to the Notice was unintentional or unavoidable pursuant to 37 CFR 1.137(b) and (a) respectively. *See* MPEP 711.03(c).

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

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OCT 27 2006
OFFICE OF PETITIONS

PAUL S MADAN
MADAN, MOSSMAN & SRIRAM, PC
2603 AUGUSTA, SUITE 700
HOUSTON, TX 77057-1130

In re Application of :
Moos, et al. : DECISION ON PETITION
Application No. 60/731,438 :
Filed: October 28, 2006 :
For: GMI-1004USP :

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

The petition is **GRANTED**.

This application became abandoned January 17, 2006 for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed November 16, 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. Notice of Abandonment was mailed July 25, 2006.

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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P.O. BOX 458
ALAMEDA, CA 94501

COPY MAILED

MAY 29 2007

OFFICE OF PETITIONS

In re Application of :
Dan C. Morgan et al :
Application No. 60/731,453 : ON PETITION
Filed: October 28, 2005 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2006 and supplemented on December 22, 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 (Notice) mailed November 16, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 17, 2006.

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

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/731,453	10/28/2005	Dan C. Morgan	

CONFIRMATION NO. 8538

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P.O. BOX 458
ALAMEDA, CA 94501

OC000000024079735

Date Mailed: 05/25/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/19/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
ATTORNEY/APPLICANT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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FEB 0 2 2006

OFFICE OF PETITIONS

JENKINS, WILSON & TAYLOR, P. A.
3100 TOWER BLVD
SUITE 1400
DURHAM NC 27707

In re Application of :
Hudson et al. : DECISION GRANTING
Application No. 60/731,745 : PETITION
Deposited: October 31, 2005 :
Attorney Docket No. 1242/81 PROV :
Title of Invention: Use of :
Pyridoxamine in Acute Renal Failure :
:

This is a decision on the petition filed December 19, 2005, requesting that the above-identified provisional application be accorded a filing date of October 31, 2005.

The application was deposited on October 31, 2005. However, on December 12, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" advising applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, on December 19, 2005, the present petition was filed. Petitioner states that drawings are not necessary for an understanding of the claimed subject matter and, therefore, the application should be accorded the October 31, 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). The same practice has been followed in composition applications. The above application contains at least one method claim.

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

any drawings.

The petition is granted. No petition fee is due. Deposit account 50-0426 is being refunded the $130.00 submitted to the current $400.00 petition fee.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **October 31, 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

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
60/731,882	10/30/2005		100	MGC-2001-PV	21		

CONFIRMATION NO. 4992

35938
BIOTECHNOLOGY LAW GROUP
C/O PORTFOLIOIP
PO BOX 52050
MINNEAPOLIS, MN 55402

CORRECTED FILING RECEIPT

OC000000018221177

Date Mailed: 03/07/2006

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).**

Applicant(s)

Ivan J. Garshelis, Dalton, MA;
Stijn P. L. Tollens, San Diego, CA;

Power of Attorney:

Daniel Chambers--34561

If Required, Foreign Filing License Granted: 11/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/731,882

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

Non-destructive evaluation via measurement of magnetic drag force

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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EVEREST INTELLECTUAL PROPERTY LAW GROUP
P. O. BOX 708
NORTHBROOK IL 60065

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APR 23 2007

OFFICE OF PETITIONS

In re Application of :
Lou Fyda et al. :
Application No. 60/731,895 : ON PETITION
Filed: October 31, 2005 :
Attorney Docket No. 115001-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 18, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 22, 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) was obtained. Accordingly, the application became abandoned on February 23, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $125; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

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

A provisional application may be revised so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until when it went abandoned as a matter of law.

This matter is being referred to the Office Initial Patent Examination for retention purposes.

Liana Walsh
Petitions Examiner
Office of Petitions

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TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

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JUN 05 2006

OFFICE OF PETITIONS

In re Application of
Robert Libman
Application No. 60/732,484
Filed: November 1, 2005
Attorney Docket No. 006387.00310

: DECISION ON PETITION

This is a decision on the petition filed January 9, 2006, requesting a corrected filing date under 37 CFR 1.10(c) of November 1, 2005, instead of the presently accorded filing date of November 2, 2005. The petition is treated under 37 CFR 1.10(d).

At the outset, Express Mail label EV407317876US shows a date-in of November 2, 2005, the USPTO accorded that date and thus, relief under 37 CFR 1.10(c) is not proper. However, in support of the petition seeking to have November 1, 2005 accorded as the filing date, petitioners have provided a copy of a register receipt with a postage date of November 1, 2005 and 11:59pm as the time in. Although the express mail label shows a date-in of November 2, 2005 and a review of the USPS Internet Track & Confirm Database shows an acceptance date of November 2, 2005 at 12:00am, it can be concluded that petitioners presented Express Mail Package EV407317876US to the USPS on November 1, 2005 but that the transaction was not finished until after midnight.

The evidence provided corroborates that the item bearing Express Mail Label No. EV407317876US was presented for mailing on November 1, 2005 and not on November 2 , 2005. In view thereof, it is concluded that the application is entitled to a filing date of November 1, 2005.

The petition is **GRANTED**. In view thereof, no petition fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for correction of the filing date to November 1, 2005 and not November 2, 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
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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
60/732,488	11/01/2005		200	PP022096.0001			

CONFIRMATION NO. 5414

27476
Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097

CORRECTED FILING RECEIPT

OC000000017910006

Date Mailed: 01/26/2006

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)

Mario Contorni, Siena, ITALY;
Manmohan Singh, Hercules, CA;
Derek T. O'Hagan, Berkeley, CA;

Power of Attorney:
Helen Lee--39270

If Required, Foreign Filing License Granted: 12/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/732,488

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Compositions with antigens adsorbed to calcium phosphate

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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Ten South Wacker Drive, Suite 3000
Chicago IL 60606

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JAN 18 2006

OFFICE OF PETITIONS

In re Application of
Robert Libman
Application No. 60/732,505
Filed: November 1, 2005
Attorney Docket No. 006387.00309

DECISION ON PETITION
UNDER 37 CFR 1.10(d)

This is a decision on the petition filed on January 9, 2006, which is properly treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of November 1, 2005, rather than the presently accorded filing date of November 2, 2005.

Petitioner alleges that the application was deposited in Express Mail service on November 1, 2005. The date-in indicated on Express Mail label No. EV407317862US is November 2, 2005. However, petitioner asserts that the USPS incorrectly entered November 2, 2005, instead of November 1, 2005, the date of deposit with a USPS employee for USPS Express Mail Service.

In support of the allegation, petitioner submits a United States Postal Service receipt, which indicates that on November 1, 2005, the Cardiss Collins U.S. Postal Office in Chicago, IL 60699-9208, accepted a package, bearing Express Mail label No. EV407317862US, at 11:59 PM. The same Express Mail label number was placed on the original cover sheet located in the official file. Additionally, the Office notes that a review of the USPS website indicates that the Cardiss Collins U.S. Postal Office is open 24 hours a day, 7 days a week.

In view of the corroborating evidence, it is concluded that the correct date of deposit in Express Mail Service is November 1, 2005. Therefore, the application will be accorded a filing date of November 1, 2005. The petition under 37 CFR 1.10(d) is **granted**.

The Office of Initial Patent Examination is directed to correct **the filing date to November 1, 2005. Additionally the Office is directed to review petitioner's request for a corrected filing receipt to change the filing date in accordance with this decision and the title of the application.**

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/732,505	11/01/2005		100	006387.00309	7		

CONFIRMATION NO. 5347

CORRECTED FILING RECEIPT

OC000000017893229

22908
BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

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)

Robert Libman, Arcola, IL;

Power of Attorney:

Rebecca Rokos--42109

If Required, Foreign Filing License Granted: 11/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/732,505

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

Push broom bracket

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
60/732,529	10/19/2005		250	4662-89			

CONFIRMATION NO. 5369

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

UPDATED FILING RECEIPT

OC000000017590405

Date Mailed: 12/06/2005

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)

Stefaan Marie Andre De Wildeman, Maasmechelen, BELGIUM;

Power of Attorney:

Bryan Davidson--30251

If Required, Foreign Filing License Granted: 11/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/732,529

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

Non-Publication Request: No

Early Publication Request: No

Title

Process for the preparation of glyoxylic acid (derivatives)

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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OFFICE OF PETITIONS

In re Application of
Bockbrader, et al.
Application No. 60/732,589
Filed: November 2, 2005
Attorney Docket No.: PC33140

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, October 20, 2006, to change the name of inventor "Steven Diaz" to – STEVEN DIAZ SANTIAGO --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is forwarded to OIPE for further processing as necessary.

ALESIA M. BROWN
Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
60/732,589	11/02/2005		200	PC33140		

CONFIRMATION NO. 6120

28880
WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

CORRECTED FILING RECEIPT

OC000000025875037

Date Mailed: 09/18/2007

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)

Howard N. Bockbrader, Ann Arbor, MI;
Yun Hyung Cho, Northville, MI;
Steven Diaz Santiago, Ann Arbor, MI;
Majid Mahjour, Ann Arbor, MI;
Thomas Daniel Reynolds, Saline, MI;
Pushpa Shao, Ann Arbor, MI;
Zezhi J. Shao, Ann Arbor, MI;
Jiansheng Wan, Ann Arbor, MI;

Power of Attorney:
Matthew Russo--41282

If Required, Foreign Filing License Granted: 12/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/732,589

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Solid pharmaceutical compositions containing pregabalin

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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KENT A FISCHMANN
MARSH FISCHMANN & BREYFOGLE LLP
3151 S VAUGHN WAY
AURORA CO 80014

COPY MAILED

FEB 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Cope, et al.	:	
Application No. 60/732,729	:	DECISION GRANTING PETITION
Filed: November 2, 2005	:	
Attorney Docket No. 50146-00012	:	

This is a decision on the "PETITION TO ACCEPT FIG. 48 AS OF THE ORIGINAL FILING DATE", filed January 26, 2006, which is being treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

Application papers in the above-identified application were filed on November 2, 2005. On November 23, 2005, the Office mailed a "Notice of Omitted Item(s) in a Provisional Application". The Notice set a non-extendable period of two months for applicant to submit Figure 48 of the drawings or petition if applicants contended that Figure 48 was present on filing. In response, applicants filed the instant petition. Applicants maintain that the application as filed included Figure 48. In support thereof, petitioner submitted a copy of the returned postcard receipt, identifying the application and bearing a USPTO date stamp of November 2, 2005.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1] A review of petitioner's postcard receipt reveals that it itemized, *inter alia*, "Drawings".

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[1] See MPEP 503.

Regarding the itemization that is required of a postcard receipt, the Manual of Patent Examining Procedure states:

> ...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.[2]

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 post card receipt which simply itemizes "Drawings" does not serve as *prima facie* evidence of receipt in the Office of all of the pages of the drawings when one figure is later found to be missing by the Office. Furthermore, listing the number of sheets of drawings on an application transmittal letter does not serve as *prima facie* evidence of receipt, but merely serves as notice of an intent to have filed those number of sheets of drawings.

The matter will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of November 2, 2005, using the papers filed 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

---

[2] Id.

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
60/732,771	11/01/2005		200	FL1181USPRV			

CONFIRMATION NO. 6478

CORRECTED FILING RECEIPT

OC000000018373384

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Date Mailed: 03/24/2006

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

Applicant(s)

Mario J. Nappa, Newark, DE;
Melodie A. Schweitzer, Wilmington, DE;
Allen C. Sievert, Elkton, MD;
Ekaterina N. Swearingen, Wilmington, DE;

Power of Attorney:
Chyrrea Sebree--45348

If Required, Foreign Filing License Granted: 12/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/732,771

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Solvent compositions comprising unsaturated fluorinated hydrocarbons

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

GRANTED

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

NOT GRANTED

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

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6285 TRI-RIDGE BLVD
LOVELAND OH 45140

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FEB 10 2006

OFFICE OF PETITIONS

In re Application of :
Song, et al. :
Application No. 60/732,828 : DECISION GRANTING PETITION
Filed: November 1, 2005 :
Attorney Docket No. COM-035838-P1 :

This is a decision on the petition under 37 CFR 1.53, filed January 23, 2006, to accord the above-identified application a filing date of November 1, 2005, with 1 page of drawing as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on November 1, 2005. However, on November 23, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Provisional Application." Applicants were informed that the application had not been accorded a filing date because the application was deposited without drawings. In addition, applicants were instructed to file the statutory basic filing fee, and a provisional application cover sheet or ADS.

In response, applicants filed the present petition. Applicants submitted one page of drawing containing three figures, together with a postcard receipt identifying the application, itemizing "3 Figures arranged on 1 sheet" as enclosed, and bearing a USPTO date stamp of November 1, 2005.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

Given the basis for granting this petition, the $130 petition fee has been refunded to Deposit Account No. 09-0525.[2]

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of November 1, 2005, using the application papers received in the Office on that date and the 1 drawing page as resupplied on petition filed January 23, 2006, and for indication in Office records that 1 sheet of drawings was present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 503.

[2] Petitioner is reminded that effective December 8, 2004, the fee for a filing date petition was increased to $400.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BUCHANAN INGERSOLL, P.C.
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

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JUN 0 2 2006
OFFICE OF PETITIONS

In re Application of :
Tangpong et al. :
Application No. 60/732,992 : ON PETITION
Filed: 3 November, 2005 :
Atty Docket No. 1028750-000246 :

This is a decision on the paper filed on 27 February, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of 3 November, 2005.

The petition is **GRANTED**.

The application was filed on 3 November, 2005, without drawings. Accordingly, on 28 December, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application stating that the application had been deposited without drawings.

On 27 February, 2006, 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 3 November, 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 35 method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 28 December, 2005, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on 3 November, 2005.

The application is accorded a filing date of 3 November, 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.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 3 November, 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

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JENNINGS, STROUSS & SALMON, P.L.C.
201 E. WASHINGTON ST., 11TH FLOOR
PHOENIX, AZ 85004

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APR 7 2006
OFFICE OF PETITIONS

In re Application of :
Jeffrey M. Beraznik :
Application No. 60/733,066 : ON PETITION
Filed: November 2, 2005 :
Attorney Docket No. 55487-11 PRO :

This is in response to the papers styled, "Response To Notice Of Omitted Items In a Provisional and Petition Under 37 CFR 1.17(F)," filed December 16, 2005, which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of November 2, 2005, including Figures 2 and 3 described in the specification.

The application was submitted on November 2, 2005. However, on November 21, 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 "Figures 2 & 3 described in the specification" appear to have been omitted.

In response, on December 16, 2005, the instant petition and copies of Figures 2 and 3 were submitted. Additionally, a copy of applicants' postcard receipt that acknowledges receipt of "Informal drawings, five sheets" on November 2, 2005, accompanied the papers. A review of the application file indicates the presence of only three (3) sheets of drawings originally filed on November 2, 2005. It is assumed that the missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted and the Notice is hereby withdrawn.

The $400.00 petition fee will be refunded to deposit account no. 50-1234.

This provisional application will be returned to OIPE for processing with a filing date of November 2, 2005, using the sheets of drawings, containing Figures 2 and 3, submitted on December 16, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/733,414	11/04/2005		100	Logie 0001	18		

CONFIRMATION NO. 2557

CORRECTED FILING RECEIPT

OC000000017725747

26263
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

Date Mailed: 12/27/2005

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)

Richard Logie, Aberdeen, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number **26263**.

If Required, Foreign Filing License Granted: 12/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/733,414

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

Trade method and system

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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NOT GRANTED

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

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KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

COPY MAILED

AUG 25 2006

OFFICE OF PETITIONS

In re Application of :
Steed Sun et al :
Application No. 60/733,555 : ON PETITION
Filed: November 4, 2005 :
Attorney Docket No. MAT 3V7P1 :

This is a decision on the petition under 37 CFR 1.182, filed May 24, 2006, to correct the spelling of the second inventor's name. The correct spelling of the second inventor's name is Ruben Martinez.

The petition is **GRANTED.**

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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
60/733,555	11/04/2005		200	MAT 3V7P1	23		

CONFIRMATION NO. 1617
CORRECTED FILING RECEIPT
OC000000020185720
OC000000020185720

23581
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

Date Mailed: 08/25/2006

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)

Steed Sun, San Gabriel, CA;
Ruben Martinez, Whittier, CA;

Power of Attorney:
Charles DeVoe--37305

If Required, Foreign Filing License Granted: 11/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/733,555

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Toy figures with magnets

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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NOT GRANTED

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ALEXANDRIA VA 22301

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MAR 07 2008

In re Application of	:	
J. Houston Miller	:	LETTER DISMISSING
Application Number: 60/734275	:	PETITION
Filing Date: 11/08/2005	:	
Attorney Docket Number: GWU-MILLER-001	:	

This is a decision on the petition filed on November 10, 2006, under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

Petitioner requests revival of the instant provisional application and states the required reply is "A non-provisional utility application."

A review of the record reveals that the above-identified provisional application was filed on November 8, 2005.

MPEP 711.03(c) states, in pertinent part, that:

> 35 U.S.C. 111(b)(5) provides that a **provisional application shall be regarded as abandoned 12 months after its filing date and shall not be subject to revival after such 12- month period.** 37 CFR 1.137(g) provides 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 twelve months from its filing date under any circumstances. Note that the pendency of a provisional application is extended to the next succeeding secular or business day if the day that is twelve months after the filing date of the provisional application falls on

> a Saturday, Sunday, or Federal holiday within the District of Columbia. See 35 U.S.C. 119(e)(3).
>
> (emphasis added)

A review of the record reveals that the application did not become abandoned prior to the 12 month period specified in 35 U.S.C. 111(b)(5) for failure to respond to an Office requirement. Rather, the subject provisional application became abandoned by statute 12 months after its filing date, and is not subject to revival.

Accordingly, the petition is dismissed as moot. No petition fee has been received.

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

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APR 21 2006
OFFICE OF PETITIONS

In re Application of :
Selph, et al. :
Filed: November 7, 2005 : ON PETITION
Application No. 60/734,518 :
Dkt. No.: 9399-17PR :

The above-identified application has been referred to the Office of Petitions for consideration of the "PETITION TO GRANT FILING DATE OF PROVISIONAL APPLICATION," filed February 13, 2006, requesting that the above-identified application be accorded a filing date of November 7, 2005 and requesting a refund of the petition fee submitted herewith.

The petition is **GRANTED**.

The application was filed November 7, 2005. On December 13, 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 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 November 7, 2005. Thus, the instant petition to accord the application a filing date is unnecessary and the Notice of Incomplete Application mailed December 13, 2005 was mailed in error and is hereby withdrawn.

The application will be processed with only the papers present on November 7, 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 November 7, 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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/734,518	11/08/2005		100	9399-17PR			

CONFIRMATION NO. 4789

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

CORRECTED FILING RECEIPT

OC000000018913472

Date Mailed: 05/23/2006

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)

Jeffrey L. Selph, Cary, NC;
Richard B. Klein, Cary, NC;
John J. Partridge, Chapel Hill, NC;

Power of Attorney:

Shawna Lemon--53888

If Required, Foreign Filing License Granted: 04/26/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/734,518

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

Pyridinium conjugates including polyethylene glycol and methods of using the same

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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LICENSE FOR FOREIGN FILING UNDER
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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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650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

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MAR 15 2006

OFFICE OF PETITIONS

In re Application of :
Tian et al. :
Application No. 60/734,589 :
Filed: November 8, 2005 : Decision on Petition
Attorney Docket Number: :
31362-721.101 :

This is a decision in response the Response to Notice of Incomplete Provisional Application, filed January 11, 2006, requesting the application be accorded a filing date of November 8, 2005. The petition is properly treated under 37 C.F.R. 1.53(e).

The petition is **granted**.

The application was filed on November 8, 2005. However, on November 23, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

In response, Applicant files the instant petition wherein Applicant avers that 11 pages of drawings were originally filed with the application on November 8, 2005, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 11 pages of drawings on November 8, 2005.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 11 pages of drawings by this Office on November 8, 2005. Petitioner has also re-submitted 11 pages of drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of the 11 pages of drawings, filed with the instant petition on January 11, 2006, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 50-1505 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of November 8, 2005, and an indication that 11 pages of drawings were present on filing, using the 11 pages of drawings filed on January 11, 2006.

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
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/734,912	11/09/2005		100	50304/104001	1		

CONFIRMATION NO. 6997

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

CORRECTED FILING RECEIPT

OC000000017646413

Date Mailed: 12/14/2005

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)

Eric Van Quaquebeke, Woluwe St Lambert, BELGIUM;
Jerome Tutti, Jemeppe sur Sambre, BELGIUM;
Laurent Van Den Hove, Uccle, BELGIUM;
Robert Kiss, St-Pieters Leeuw, BELGIUM;
Francis Darro, Uccle, BELGIUM;

Power of Attorney:
James DeCamp--43580

If Required, Foreign Filing License Granted: 11/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/734,912

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

Azonafide derivatives, methods for their production and pharmaceutical compositions therefrom

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/734,964	11/09/2005		450	8022USL1	29		

CONFIRMATION NO. 8213

CORRECTED FILING RECEIPT

OC000000021735668

23492
ROBERT DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

Date Mailed: 12/27/2006

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)

Susan E. Brophy, Lindenhurst, IL;
Joan D. Tyner, Beach Park, IL;
Bailin X. Tu, Lake Bluff, IL;
Mary S. Pinkus, Chicago, IL;
Jessie W. Shih, Lake Forest, IL;

Power of Attorney:
David Schodin--41294

If Required, Foreign Filing License Granted: 11/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/734,964

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Human BNP immunospecific antibodies

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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GARLICK HARRISON & MARKISON
PO BOX 160727
AUSTIN TX 78716-0727

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OFFICE OF PETITIONS

In re Application of :
Bagchi, et al. :
Application No. 60/735,498 : DECISION ON PETITION
Filed: November 11, 2005 :
Attorney Docket No: BP5130

This is a decision on the petition filed February 7, 2006, to accord the above-identified application a filing date of November 11, 2005.

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

Application papers in the above-identified application were filed on November 11, 2005, without drawings. Accordingly, on December 2, 2005, the Office of Initial Patent Examination mailed applicants 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 response, applicants filed the instant petition.

Petitioner argues that drawings are not necessary for the understanding of the subject matter sought to be patented in the above application, and requests that the application be accorded a filing date of November 11, 2005.

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

MPEP § 601.01(f) also states that:

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

Here, based upon petitioner's statement that no drawings are required for an understanding of the invention, the provisional application will be accorded the November 11, 2005 filing date. Drawings will not be considered as a part of this case.

Accordingly, the petition is **granted** to the extent that the application will be accorded the November 11, 2005 filing date with no drawings as a part of the original disclosure of the application.

However, as the present petition was not due to USPTO error, the petition fee will not be refunded.

The matter is being forwarded to the Office of Initial Patent Examination for correction of the filing date to November 11, 2005.

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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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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FEB 0 2 2006

OFFICE OF PETITIONS

In re Application of :
Hee Suk Pang, et al. :
Application No. 60/735,628 : DECISION DISMISSING PETITION
Filed: November 12, 2005 :
Attorney Docket No. 46500-000319/US/PS1 :

This is a decision on the petition filed January 17, 2006, requesting that the above-identified application be accorded a filing date of November 11, 2005, instead of the presently accorded date of November 12, 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 November 11, 2005. In support, petitioner provides, inter alia, a copy of the Express Mail label, No. EV 324517384 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 is no "date-in" on the label or other official notation by the USPS to show the date of deposit. It is noted that petitioner, Terry L. Clark,

acknowledges writing "Deposited on November 11, 2005" on the label in the statement in support of the petition filed January 17, 2006.

Although the "date-in" was not entered on the copy of the Express Mail mailing label, and the only date included on the label was not placed thereon by a USPS representative, the USPS Track and Confirm record for the Express Mail label in question was reviewed. The USPS Track and Confirm record does not corroborate a "date-in" of November 11, 2005, as it indicates that the package bearing Express Mail label No. EV 324517384 US was accepted on November 12, 2005 at 12:54pm at the Reston, VA 20190 location. (See copy attached.)

In view of the above, the petition is **DISMISSED** and the filing date remains November 12, 2005.

Since a petition under 37 CFR 1.10 does not require a petition fee, the $400 fee submitted with this petition is being refunded 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

Attachment

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

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A PROFESSIONAL CORPORATION
4370 ALPINE RD
SUITE 106
PORTOLA VALLEY CA 94028

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OFFICE OF PETITIONS

In re Application of	:	
Huang, et al.	:	
Application No. 60/736,004	:	ON PETITION
Filed: November 12, 2005	:	
Attorney Docket No. LIQU5990P	:	

This is a decision on the "PETITION FOR CORRECTED FILING DATE UNDER 37 C.F.R. §1.10", filed November 25, 2005, to accord the above-identified application a filing date of November 12, 2005.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on November 12, 2005, not November 13, 2005. In support thereof, petitioner has included a copy of the Express Mail mailing label for Express mail number EO 914 299 200 US. The Express Mail mailing label contains a "date in" entry of November 12, 2005.

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

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

Petitioner has fulfilled requirements (1), (2), and (3) above. The Express Mail mailing label bears a "date-in" entry of November 12, 2005, as well as a USPS stamp dated November 12, 2005.

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

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **November 12, 2005, not November 13, 2005.**

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

Cliff by

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/736,004	11/12/2005		100	LIQU5990P	9		

CONFIRMATION NO. 1781

CORRECTED FILING RECEIPT

OC000000017816340

22430
YOUNG LAW FIRM
A PROFESSIONAL CORPORATION
4370 ALPINE ROAD SUITE 106
PORTOLA VALLEY, CA 94028

Date Mailed: 01/10/2006

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

Applicant(s)

Kaiyuan Huang, Ottawa, CANADA;
Michael F. Kemp, Ottawa, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number **22430**.

If Required, Foreign Filing License Granted: 12/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/736,004

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

High performance memory based communications interface

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

GRANTED

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

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

NOT GRANTED

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

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PORTOLA VALLEY CA 94028

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FEB 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Kemp, et al.	:	
Application No. 60/736,106	:	DECISION ON PETITION
Filed: 12 November, 2005	:	
Attorney Docket No.: LIQU599IPE	:	

This is a decision on the petition under 37 C.F.R. §1.10(d)), filed on 22 November, 2005, and seeking for the above-identified application a filing date of 12 November, 2005, rather than the presently accorded filing date of 13 November, 2005.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The controlling regulations are set forth at 37 C.F.R. §1.10.[1]

---

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

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

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

* * *

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

The record reflects that:

- the instant application, averred to have been transmitted the package bearing US Postal Service (USPS) Express Mail Label No. EO914300781US, was received and given by the Office a filing date of 13 November, 2005;

- with the instant petition filed on 22 November, 2005, Petitioner provided, *inter alia*, (a) a copy of the USPS Express Mail label bearing USPS Express Mail Label No. EO914300781US with the hand-written "date in" of "11 12 05" and further date stamped with a USPS date stamp "PORTOLO VALLEY CA NOV 12 2005," and (b) a copy of the transmittal bearing the USPS Express Mail Label No. EO914300781US;

- further, a review of the file record evidences that the transmittal for the instant application bears the USPS Express Mail Label No. EO914300781US.

Accordingly, the petition hereby is **granted**.

The petition fee is waived and was not charged.

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 12 November, 2005, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 12 November, 2005.

---

* * *

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

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

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

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

* * *

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question. (Emphasis supplied.) [48 Fed. Reg. 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 Fed. Reg. 4285, Jan. 31, 1983, paras. (a) & (c), 49 Fed. Reg. 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 Fed. Reg. 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORTEZA NAGHAVI, MD
2472 BOLSOVER, #439
HOUSTON, TX 77005

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FEB 14 2007

OFFICE OF PETITIONS

In re Application of :
Morteza Naghavi et al :
Application No. 60/736,156 : ON PETITION
Filed: November 14, 2005 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed October 11, 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 (Notice) mailed December 1, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 2, 2006.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Manlyn M. Houston
Wong Cabello
20333 SH249, Ste. 600
Houston, TX 77070 US

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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HULBERT & BERGHOFF LLP
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CHICAGO IL 60606

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JUL 17 2006
OFFICE OF PETITIONS

In re Application of :
Lunsford et al. :
Application No. 60/736,496 :
Filed: November 14, 2005 : ON PETITION
Attorney Docket Number: 05-839 :

This is a decision on the "Petition Under 37 CFR 1.53(e)(2) and Notice of Incomplete Provisional Application Mailed on December 1, 2005", filed December 12, 2005, requesting the application be accorded a filing date of November 14, 2005, including 1 sheet of drawings.

The petition is **granted**.

The application was filed on November 14, 2005. However, on December 1, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), stating that a filing date had NOT been accorded the application because the application had been deposited without drawings.

In response, Applicant files the instant petition wherein Applicant avers that 1 sheet of drawing was originally filed with the application on November 14, 2005, and was received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 1 sheet of drawing on November 14, 2005.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 1 sheet of drawings on November 14, 2005. Petitioner has also re-submitted 1 sheet of drawing with the instant petition.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of the 1 sheet of drawing supplied with the instant petition will be made part of the application file.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of November 14, 2005, and an indication that 1 sheet of drawing was present on filing, using the 1 sheet of drawing filed December 12, 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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Kelly K. Kordzik
Winstead Sechrest & Minick P.C.
P.O. Box 50784
Dallas TX 75201

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OFFICE OF PETITIONS

In re Application of :
Daniel Shantz :
Application No. 60/736,635 : DECISION ON PETITION
Filed: November 15, 2005 :
Attorney Docket No. 13260-P010V1 :

This is a decision on the petition filed March 27, 2006, requesting that the above-identified application be accorded a filing date of November 15, 2005.

On November 15, 2005, applicant deposited the above-identified application. On February 9, 2006, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Provisional Application," requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on November 15, 2005, described drawings containing Figures 1-13.

In the present petition, applicant contends that the above-identified provisional application was deposited with drawings. Specifically, applicant avers:

> . . . that suitable drawings were included in the appendices attached thereto, but that such drawings were not re-labeled to match the FIGURE designations in the Specification. Drawings corresponding to Figures 1-13 as described in the specification were deposited as shown in the listing below.
>
> Figure 1: Submitted as Figure 1S in Appendix B, Page B5;
> Figure 2: Submitted as Figure 2S in Appendix B, Page 86 (upper left and lower left images);
> Figure 3: Submitted as Figure 3S in Appendix B, Page 87 (upper image);
> Figure 4: Submitted as Figure 5S in Appendix B, Page B9;
> Figure 5: Submitted as Figure 6S in Appendix B, Page B 10;
> Figure 6: Submitted as Figure 7S in Appendix B, Page B 11;
> Figure 7: Submitted as Figure 4 in Appendix A, Page A2 1 (upper image);
> Figure 8: Submitted as Figure 4 in Appendix A, Page A21 (lower image) (other entries of Figure 8 not shown in appendices);

Figure 9: Submitted as Figure 2S in Appendix B, Page 86 (upper right and lower right images);
Figure 10: Submitted as Figure 8S in Appendix B, Page B12;
Figure 11: Submitted as Figure 5 in Appendix A, Page A22;
Figure 12: Submitted as Figure 6 in Appendix A, Page A23; and
Figure 13: Submitted as Figure 9S in Appendix B, Page B13.

Thus, drawings meeting the requirements of 35 U.S.C. § 113 (as specified in 37 C.F.R. § 1.81(a)), as required for filing a provisional application pursuant to 37 C.F.R. § 1.53(c), were deposited at the time the application was filed. Applicant respectfully requests that this petition be granted and the petition fee of $400.00 refunded.

A review of the record indicates that applicant submitted drawings with the application papers on November 15, 2005; however, the figures were mislabeled.[1] In view of the above, the Notice of Incomplete Provisional Application was sent in error and is hereby withdrawn. The application will be accorded a filing date of November 15, 2005.

Accordingly, the petition is granted. The Office will refund the $400.00 petition fee to the Deposit Account, as it is unnecessary.

The Office of Initial Patent Examination is directed to process the above-identified provisional application with a filing date of November 15, 2005, using the application papers (including the drawings submitted in the appendices) filed on the 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

[1] The Office reminds applicant 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).

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OFFICE OF PETITIONS

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

In re Application of

:

Kostenuik, et al.

:

Application No. 60/736,664

: ON PETITION

Filed: November 14, 2 005

:

Attorney Docket No. 06843.6030-00000

This is a decision on the petition under 37 CFR 1.182, filed March 30, 2006, and in duplicate on July 3, 2006, to change the name of the second joint inventor.

The petition is **GRANTED.**

The name of the second joint inventor has been changed – **Wenyan Shen**--. A corrected filing receipt is enclosed.

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) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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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
60/736,664	11/14/2005		700	06843.6030-00000	29		

CONFIRMATION NO. 5589

CORRECTED FILING RECEIPT

OC000000020662640

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

Date Mailed: 10/02/2006

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)

Paul Kostenuik, Newbury Park, CA;
Wenyan Shen, Thousand Oaks, CA;
Thomas Charles Boone, Newbury Park, CA;

Power of Attorney:

Rebecca Scarr--47057

If Required, Foreign Filing License Granted: 11/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/736,664

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

RANKL antibody-PTH/PTHrP chimeric molecules

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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BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
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PRINCETON NJ 08543-4000

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OFFICE OF PETITIONS

In re Application of	:	
Francis Y. Lee	:	
Application No. 60/736,671	:	ON PETITION
Filed: 15 November, 2005	:	
Atty. Docket No. 10730 US-PSP	:	

This is a decision in reference to the petition under 37 CFR 1.137(b) filed on 15 November, 2006, which is also treated as a petition under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of 15 November, 2005.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.53 is **GRANTED**.

On 15 November, 2005, the application was filed, without drawings.

On 2 December, 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 was deposited without drawings. The Notice additionally stated that Page 24 of the specification (description and claims) appeared to have been omitted.

On 20 March, 2006, a Notice of Termination of Proceedings Under 37 CFR 1.53(e) was mailed.

On 15 November, 2006, the present petition was filed. Petitioner argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and so requests that the application be accorded a filing date of 15 November, 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 at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 2 December, 2005, was mailed in error and is vacated to the extent that it stated that the application was incomplete.

With regard to Page 24, however, no Page 24 of the specification is located among the papers received on 15 November, 2005.

An applicant alleging that a The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that, *inter alia*, Pages 1-23 and 25-42 of written description, claims, including one (1) page containing the abstract, were filed on 15 November, 2005. No Page 24 of the specification was filed on 15 November, 2005, since no such page of specification is present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

It is noted that the USPTO has a long-established and well publicized practice for *prima facie* establishing the date of receipt of correspondence that has either been mailed or otherwise delivered to the PTO, and is asserted to have been subsequently misplaced: the itemized postcard receipt practice of

MPEP 503.[1] This practice requires that any paper(s) for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper(s). A postcard receipt which itemizes and properly identifies the paper(s) which is being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. However, due to the absence in the record of a postcard receipt itemized with respect to the specification that bears a USPTO date stamp of 15 November, 2005, showing that 42 pages of specification, including one page of abstract, were received in the USPTO on 15 November, 2005, the application cannot be accorded a filing date of 15 November, 2005, with Page 24 as a part of the original disclosure.

The application will be processed with filing date of 15 November, 2005, using only the application papers filed on that date. The copies of application papers supplied with the petition will not be used for processing, but will be retained in the application file.

As the application did not become abandoned, no petition to revive is necessary. The petition is therefore dismissed as moot. No petition fee is necessary. The petition fee will be credited to counsel's deposit account.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 15 November, 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

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[1] The public was afforded a "reminder" of the then extent post card receipt practice at 857 *Off. Gaz. Pat. Off.* 667 (*O.G.*) (Nov. 21, 1968). This specific notice is usually repeated annually, in a January "Consolidated Listing" section of the *O.G.* that contains important *O.G.* notices of continuing relevance.

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OFFICE OF PETITIONS

In re Application of	:	
Rubie Steven	:	
Application No. 60/736,884	:	DECISION GRANTING PETITION
Filed: November 14, 2005	:	
Attorney Docket No. 41588-100780	:	

This is a decision on the "REQUEST TO CORRECT RECORD", filed February 16, 2006, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of November 14, 2005, with seven (7) sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

With the instant petition, Applicant submitted 7 sheets of drawings, together with a postcard receipt identifying the application, itemizing "Drawings - sheets (7)" as enclosed, and bearing a USPTO date stamp of November 14, 2005.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

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[1] See MPEP 503.

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

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of November 14, 2005, using the application papers received in the Office on that date and the seven (7) sheets of drawings as re-supplied on petition filed February 16, 2006.

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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JOHN B. HARDAWAY, III
NEXSEN PRUET, LLC
PO DRAWER 10648
GREENVILLE SC 29603-0648

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JAN 23 2006

OFFICE OF PETITIONS

In re Application of :
Colin Martin :
Application No. 60/736,904 : ON PETITION
Deposited: November 15, 2005 :
Attorney Docket No. 36692-03 :

This is a decision on the petition filed December 9, 2005, under 37 CFR 1.53(e) to accord the above-identified application a filing date of January 31, 2003.

The petition under 37 CFR 1.153(e) is **DISMISSED.**

The Office of Initial Patent Examination mailed Notice of Incomplete Nonprovisional Application on November 30, 2005. The Notice averred that the application was deposited without drawings.

Comes now the petitioner filing the instant petition claiming under 37 CFR 1.53(e) that the application as filed was complete, and thus that the application should be accorded a filing date of November 15, 2005.

The present petition as filed is accompanied by a copy of the application transmittal used for filing the application, specification, ten (10) sheets of drawings, an appendix and copy of the post card dated November 15, 2005.

Petitioner asserts that the drawings were included with the application papers filed November 15, 2005.

A review of the record reveals that no drawing sheets have been located among the application papers deposited on November 15, 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 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

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the

USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioners' postcard receipt does not bear an Office-date stamp from the USPTO. As such, the postcard receipt does not serve as evidence that the items listed therein were received in the USPTO. If petitioner has a copy of the postcard receipt for this application with a USPTO "Office date" stamp, a copy of that postcard should be submitted with any renewed petition.

This matter will remain in the Office of Petitions for TWO (2) MONTHS to await petitioner's renewed petition accompanied by corroborating evidence (*e.g.*, a postcard bearing an Office date stamp of November 15, 2005) properly itemized and including the filing of ten (10) sheets of drawings. Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended.[1]

If no response is received within TWO (2) MONTHS, this matter will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of December 9, 2005, using the application papers deposited on November 15, 2005, and the drawings filed December 9, 2005.

As the petition is due to a filing error on the part of applicant and not an error on the part of the USPTO, the petition fee of $150.00 submitted with the petition will not be refunded. Incidentally, the fee for a petition under 37 CFR 1.53 is $400.00, not $150.00, and before a filing date will be accorded this application, an additional $ $350.00 will need to be submitted.

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] 37 CFR 1.181(f).

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JOHN B. HARDAWAY, III
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FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Colin Martin :
Application No. 60/736,904 : ON PETITION
Filed: November 15, 2005 :
Attorney Docket No. 36692-03 :

This is a decision on the request for reconsideration filed February 6, 2006 to accord the above-identified application a filing date of November 15, 2005, which is treated under 37 CFR1.53.

The Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application on November 30, 2005. The Notice averred that the application was deposited without drawings. A petition filed December 9, 2005 was dismissed in a decision mailed January 23, 2006 because petitioner's argument that the application included drawings and thus was complete on November 15, 2005 was not substantiated with evidence to show that the application papers included drawings.

Comes now petitioner with the instant request for reconsideration. In furtherance of their claim that a complete application was filed on November 15, 2005, petitioner proffers a copy of a date stamped return receipt, which corroborates petitioners assertion that the application had been filed with drawings, and copies of the drawings previously filed with the application.

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

Given the basis for granting the petition, no petition fees are due and none have been charged.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a **filing date of November 15, 2005**, using the application papers received in the Office on that date and the application papers filed with the petition as well as the request for reconsideratiion, which includes the drawings. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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ONE CYCLOTRON ROAD, MAIL STOP 90B
UNIVERSITY OF CALIFORNIA
BERKELEY CA 94720

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MAR 17 2006

OFFICE OF PETITIONS

In re Application of :
William Mickelson et al. :
Application No. 60/737,248 : DECISION DISMISSING PETITION
Filed: November 15, 2005 :
Attorney Docket No: IB-2144P :

This is a decision on the petition filed February 23, 2006, in response to the Notice of Omitted Items mailed February 10, 2006, which is treated under 37 CFR 1.182.

The petition is **DISMISSED**.

The application was filed November 15, 2005. However, on February 10, 2006, the Office of Initial Patent Examination mailed a Notice of Omitted Items stating that the application had been accorded a filing date of November 15, 2005 but advised that Figures 2 and 3 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner argues that no figures were missing on November 15, 2005 and provides a copy of the drawings filed upon application and a postcard receipt date-stamped by the USPTO which notes that 6 sheets of drawings were filed on November 15, 2005. The drawings submitted with the petition are identical to the drawings of record having been filed with the original application papers.

After review of the materials filed upon application and those filed with the petition it appears that the specification contains an error in the description of drawings as it relates to Figures 2 and Figures 3. While the label on the drawings reads 2A-2G there is no Figure 2. As well, while the label on the drawings reads 3A-3B, there is no Figure 3. Perhaps Figures 2A-2G make up the reference to "Figure 2" and Figures 3A-3B make up the reference in the specification to "Figure 3".

It seems obvious from the petition that no drawing was actually missing on November 15, 2005. Rather, the specification incorrectly referred to Figures 2 and 3 as a result of the applicants' filing error. However, the "Notice" mailed on February 10, 2006, was correct in stating that Figures 2 and 3 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 was required upon filing of the petition. Thus, the $400.00 petition fee will not be refunded.

Since 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 the application,[1] and since the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available,[2] the application is accepted as filed.

As such, if petitioners desire to have pages 5 of 27 and 6 of 27 corrected, petitioners should simply file a new completed provisional application, including corrected pages 5 and 6 of 27 of the specification.

The application will be processed and examined using the application papers filed on November 15, 2005.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on November 15, 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

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[1]37 CFR 1.53(c); 37 CFR 1.121(j).

[2]MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/737,401	11/14/2005		100	MEDIV2060-2	10		

CONFIRMATION NO. 1478

CORRECTED FILING RECEIPT

OC000000017995013

28213
DLA PIPER RUDNICK GRAY CARY US, LLP
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

Date Mailed: 02/06/2006

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)

William G. Turnell, San Diego, CA;
Hong Li, San Diego, CA;
Zaza D. Gomurashvili, La Jolla, CA;

Power of Attorney:
Lisa Haile--38347

If Required, Foreign Filing License Granted: 12/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/737,401

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

Polymer particle delivery 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.

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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

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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	TOT CLMS	IND CLMS
60/737,580	11/15/2005		225	061108-5002		

CONFIRMATION NO. 1152

CORRECTED FILING RECEIPT

OC000000022948704

9629
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

Date Mailed: 03/16/2007

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)

Sayre A. Swarztrauber, New York, NY;
Robert Hayward, New York, NY;
Michael Newsome, Newport, VA;
Stanley Lo, Fresh Meadows, NY;

Power of Attorney:
Steven Underwood--47205

If Required, Foreign Filing License Granted: 12/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/737,580

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

Apparatus and methods for multi-channel metering

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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national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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HOUSTON, TX 77253-3267

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JAN 13 2006

OFFICE OF PETITIONS

In re Application of :
Warren Collum :
Application No. 60/737,684 :
Filed: November 17, 2005 : ON PETITION
Attorney Docket Number: :
1833-00800 :

This is a decision on the Petition to Accord the Provisional Application the November 17, 2005 Filing Date, filed December 13, 2005, requesting the application be accorded a filing date of November 17, 2005, including 2 sheets of drawings.

The petition is **granted**.

The application was filed on November 17, 2005. However, on November 30, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), stating that a filing date had NOT been accorded the application because the application had been deposited without drawings.

In response, Applicant files the instant petition wherein Applicant avers that 2 sheets of drawings were originally filed with the application on November 17, 2005, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, Figures 1-3, (2 pages) of drawings on November 17, 2005.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of Figures 1-3, (2 pages) of drawings by this Office on November 17, 2005. Petitioner has also re-submitted 2 pages of drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of Figures 1-3, (2 pages) of drawings supplied with the instant petition on December 13, 2005, will be made part of the application file.

A refund of the petition fee has been scheduled.

The application will be returned to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of November 17, 2005, and an indication that 2 pages of drawings were present on filing, using the 2 pages of drawings filed December 13, 2005.

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

Derek L. Woods
Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

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DEC 15 2005

OFFICE OF PETITIONS

In re Application of :
Daniele, et al. :
Application No. 60/738,058 : DECISION GRANTING PETITION
Filed: November 21, 2005 :
Attorney Docket No. HATCH-006 :

This is a decision on the petition filed December 6, 2005, requesting that the above-identified application retain the presently accorded a filing date of November 21, 2005, with Figure 16, as part of the original disclosure.

On November 21, 2005, the above-identified application was filed. On November 20, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Provisional Application" (the "Notice"), stating that the application had been accorded a filing date of November 21, 2005, however, Figure 16, as described in the specification, appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on December 6, 2005, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, 12 sheets of drawings were received on November 21, 2005.

Upon review of the record, Figure 16 has not been located among the application papers. However, the evidence is convincing that the application papers deposited November 21, 2005, Figure 16, which was subsequently misplaced by the Office. Therefore, the application, including Figure 16, was complete on filing and entitled to the presently accorded filing date of November 21, 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 the presently accorded filing date of November 21, 2005, including Figure 16.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/738,222	11/17/2005		200	203340-9014	6		

CONFIRMATION NO. 3979

CORRECTED FILING RECEIPT

OC000000019139610

1131
MICHAEL BEST & FRIEDRICH LLP
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
CHICAGO, IL 60601

Date Mailed: 06/07/2006

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).**

Applicant(s)

Raj S. Roychoudhury, Bloomfield Hills, MI;
Michael James Best, Newmarket, CANADA;
Timothy W. Chapman, Etobicoke, CANADA;
Rimas Ciplijauskas, Etobicoke, CANADA;
Changize Sadr, North York, CANADA;
Ali Totonchian, Toronto, CANADA;

Power of Attorney:
Paul McGinley--55443

If Required, Foreign Filing License Granted: 12/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/738,222

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Bolster deployment pattern

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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national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

Frank L. Kubler
13261 S.W. 54th Court
Miramar, FL 33027

COPY MAILED
MAR 17 2006
OFFICE OF PETITIONS

In re Application of :
John Mancini :
Application No. 60/738,249 : ON PETITION
Deposited: November 18, 2005 :
Attorney Docket No. A-BACKUP_PRO :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed February 13, 2006. Patent Office records support a conclusion that this petition was filed by a registered patent practitioner.

On November 18, 2005, application papers were filed in the above-identified provisional application. On December 6, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application," stating that the application papers deposited November 18, 2005 had not been accorded a filing date because the application was deposited without drawings. The Notice further stated that "any assertions that the items required were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the $130 petition fee (37 CFR 1.17(h))." See 37 CFR 1.53(e)(2).

However, applicant filed a response asserting that the drawings are not necessary and requesting a filing date. In addition, the response did not include payment of the petition fee (which is actually pursuant to 1.17(f)) and is currently $400. (It is noted that the provisional application cover sheet references a Deposit Account; however, the box is not checked to authorize any fees).

In view thereof, the request must be **dismissed**.

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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Paper No.

FRANK L. KUBLER
13261 S.W. 54th Court
Miramar, FL 33027

COPY MAILED
MAY 19 2006
OFFICE OF PETITIONS

In re Application of :
John Mancini : DECISION ON
Application No. 60/738,249 : PETITION
Filed: November 18, 2005 :
Atty Docket No. A-BACKUP_PRO :

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION TO ACCEPT AND GRANT FILING DATE OF PROVISIONAL APPLICATION," filed May 8, 2006.

Application papers in the above-identified provisional application were deposited on November 18, 2005. However, on December 6, 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. By decision mailed March 17, 2006, an initial response filed February 13, 2006 without a petition or petition fee was dismissed.

In reply, applicant timely filed the instant request for reconsideration of petition and petition fee. Petitioner asserts that given the subject matter of the application drawings are unnecessary for an understanding of the subject matter.

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). The instant application has no claims. However, in view of 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 December 6, 2005, is hereby **withdrawn**.

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

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will **correct the filing date to November 18, 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/738,685	11/21/2005		200	A-1062-P			

CONFIRMATION NO. 7013

CORRECTED FILING RECEIPT

OC000000017984264

30174
AMGEN INC.
1120 VETERANS BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Date Mailed: 02/03/2006

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)

Tassie Collins, San Mateo, CA;
Julio C. Medina, San Carlos, CA;
Feng Xu, Palo Alto, CA;
Liusheng Zhu, Burlingame, CA;

Power of Attorney:
Ronald Hermenau--34620

If Required, Foreign Filing License Granted: 12/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/738,685

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

CXCR3 antagonists

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/738,728	11/22/2005		100	67369-00002	19		

CONFIRMATION NO. 7552

CORRECTED FILING RECEIPT

OC000000020903893

24238
JENKENS & GILCHRIST
1401 MCKINNEY
SUITE 2600
HOUSTON, TX 77010

Date Mailed: 10/19/2006

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)

Piers E. Hendrie, Austin, TX;

Power of Attorney: The patent practitioners associated with Customer Number **24238**.

If Required, Foreign Filing License Granted: 12/20/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/738,728

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

Multi-function LED flashlight

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 35, United States Code, Section 184
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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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AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
SUITE 600
WASHINGTON DC 20004

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APR 0 3 2006
OFFICE OF PETITIONS

In re Application of :
Mason :
Application No. 60/739,016 : ON PETITION
Deposited: November 23, 2005 :
Attorney Docket No. 71473.0012 :
For: SHOE BAG

This is a decision on the petition filed February 22, 2006, requesting that the above-identified application be accorded a filing date of November 23, 2005, and that the petition fee be refunded upon granting of the petition. The petition will be treated under 37 CFR 1.53(e).

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

On November 23, 2005, the above-identified provisional application was submitted to the Office. However, on January 20, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, stating that the application had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112.

In response, on February 22,2006, the present petition was filed. Petitioner argues that it is well settled that a drawing may by itself constitute a written description of the invention if it reasonably conveys to one of ordinary skill that the inventor possessed the invention. Petitioner asserts that the application as filed contained two drawing figures. According to petitioner, these drawings, the written descriptions of the illustrations and the cover sheet provide a written description as required under 35 U.S.C. § 112, first paragraph. Thus, the provisional application as filed complies with 35 U.S.C. § 112, first paragraph, and is entitled to a filing date.

RELEVANT STATUTES, REGULATIONS AND PROCEDURE

35 U.S.C. 111(b) provides, in pertinent part, that:

(1) AUTHORIZATION. —A provisional application for patent shall be made or authorized to be made by the inventor, except as otherwise provided in this title, in writing to the Director. Such application shall include —

(A) a specification as prescribed by the first paragraph of section 112 of this title; and
(B) a drawing as prescribed by section 113 of this title.

(2) CLAIM. —A claim, as required by the second through fifth paragraphs of section 112, shall not be required in a provisional application.

...

(4) FILING DATE. —The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

35 U.S.C. 112, first paragraph, provides that:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

37 C.F.R. § 1.53(c) further provides that:

> The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.
>
> > (1) A provisional application must also include the cover sheet required by § 1.51(c)(1), which may be an application data sheet (§ 1.76), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section.

MPEP 601.01(b) provides that:

> A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

OPINION

Petitioner does not dispute that as filed the application did not include, other than the cover sheet and descriptions of the illustrations, a description in writing regarding the claimed invention.

To be entitled to a filing date, a provisional application need only have a written description in compliance with 35 U.S.C. § 112, first paragraph; and any required drawing(s). No claims are required. The issue then is whether the two drawings deposited on November 23, 2005 in the instant provisional application provide an adequate written description to meet the requirements of § 112, first paragraph, and entitle the application to a filing date.

The issue in Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991), was whether the disclosure of a design application, namely, the drawings without more, adequately meets the "written description" requirement **also** contained in § 112, first paragraph, so as to entitle Mahurkar to the benefit of the filing date of the earlier filed design application for his two later filed utility patents. The Court stated that drawings alone may be sufficient to provide the "written description of the invention" required by § 112, first paragraph. Neither Congress nor the Director have determined that drawings alone are not sufficient to meet the requirements of § 112, first paragraph for purposes of according a filing date under 35 U.S.C. 111(b)(4).

It is the practice of the Office to accord a filing date to an application that appears to comply with the requirements for according a filing date. Inasmuch as drawings alone may be sufficient to provide the written description requirement of § 112, first paragraph, and the instant application contains drawings and claims are not required, the instant provisional application appears to comply with the requirements for according a filing date. It is not necessary to now determine whether this provisional application will adequately support any non-provisional application claiming the benefit of its filing date.

In this instance, the drawings will be construed as the written description required by 35 U.S.C. § 112, first paragraph.

CONCLUSION

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

The petition fee is being refunded to Deposit Account No. 50-0951, as authorized.

The provisional application file is being returned to the Office of Initial Patent Examination for **correction of the filing date to November 23, 2005**.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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

Paper No. None

Darryl M. Springs
2015 Woodland Springs
Houston TX 77077-6304

COPY MAILED

JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
James E. Brooks et al. :
Application No. 60/739,062 :
Date of Deposit: November 22, 2005 :
Attorney Docket Number: DMS(PRJ)-101 :
Title: EXPLOSIVE SOURCE GENERATION OF SHEAR WAVES :

DECISION ON PETITION

This is a decision on the petition filed April 17, 2006[1], requesting that the above-identified application be accorded a filing date of November 22, 2005, with 6 pages of drawings, containing figures 1a - 5, as part of the original disclosure of the application.

The application was deposited on November 22, 2005. However, on February 13, 2006, 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 that a filing date would be accorded upon the deposit of drawings. The notice set a two-month period for response.

With the present petition, Petitioner has submitted a copy of 6 pages of drawings, containing figures 1a - 5, along with the petition fee. Petitioner has included a copy of his postcard receipt, and has set forth that "5 informal drawings consisting of 6 sheets[2]" were included on filing[3]. In order to support this allegation, Petitioner has included a postcard as well as his

1 The petition contains a certificate of mailing dated April 13, 2006.
2 Petition, page 2.
3 This appears to be at odds with the ten drawings consisting of six sheets which Petitioner has supplied with the present petition, which Petitioner has asserted were originally filed with the application.

recollection of submitting the drawings to the Office.

THE RELEVANT SECTION OF THE MPEP

Section 503 of the MPEP, entitled Application Number and Filing Receipt, sets forth, in part:

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

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

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

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

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

ANALYSIS

Petitioner has included a copy of his postcard receipt, and, as noted by Petitioner, it does not identify the number of sheets

that were included. The postcard does not mention that any drawings were included, but merely contains the mailing date, the express mail number, the title, and the names of the inventors.

Obviously, the degree on which applicants may rely on a postcard receipt to establish receipt of a particular item depends on the specificity of the itemization. Since the postcard gives no indication of what was included on filing, it cannot be relied upon to establish that six pages of drawings were included on filing.

Petitioner has further explained that the transmittal letter contains the item "5 informal drawings consisting of 6 sheets." Petitioner has further indicated that he personally placed the six sheets of drawings in the envelope which was mailed to the Office with the remainder of the application, and placed these sheets of drawings behind the specification. Petitioner appears to be suggesting that the papers were included on filing, and subsequently misplaced within the Office.

The PTO file is the official record of all papers filed in this application. It is noted that the electronic file contains a two-page provisional application cover sheet, a two-page transmittal letter, four pages of specification, and one page of claims. Drawings have not been located in the electronic file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. Neither the transmittal letter nor Petitioner's assertion that six pages of drawings were included on filing is more persuasive than the electronic file, and the postcard receipt which he prepared and submitted cannot be relied upon to establish that the missing figures were included on filing.

As such, it appears that the drawings were not filed with the Office on November 22, 2005.

CONCLUSION

Pursuant to the discussion above, the petition is **DISMISSED.**

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6].

Alternatively, Petitioner may wish to file a new provisional application.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7]. 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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

JOHN C. POLSTER, P.C.
1230 GERRY STREET
WOODSTOCK, IL 60098

COPY MAILED

JUL 06 2007

OFFICE OF PETITIONS

In re Application of :
John C. Polster :
Application No. 60/739,095 : DECISION ON PETITION
Filed: November 22, 2005 :
Attorney Docket No. :

This is a decision on the petition, filed August 28, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting that the holding of abandonment be withdrawn.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

This application became abandoned for failure to timely pay the $20 statutory basic filing fee and the $25 surcharge fee required by the Notice to File Missing Parts of Provisional Application (Notice), mailed December 7, 2005. A Notice of Abandonment was mailed on August 14, 2006.

Petitioner asserts that the Notice of December 7, 2005 was not received.

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

1. a statement from practitioner (applicant) stating that the Notice was not received by the practitioner (applicant);
2. a statement from the practitioner (applicant) attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the non-received Notice would have been entered had it been received must be attached to and referenced in the practitioner's (applicant's) statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements.

The petition is accompanied by a copy of petitioner's "journal/calendar entries showing the dates of filing and expiration" of his application. Petitioner states that, had he received the Notice of December 7, 2005, he would have immediately replied and calendared the date in his journal. The copy of the "journal/calendar" entry includes the date of filing of this application; however, petitioner has not provided a copy of his "journal/calendar" for the month of December 2005 showing non-receipt of the Notice of December 7, 2005 where the non-received Notice would have been calendared had it been received, or a copy of his "journal/calendar" for the month of August 2006, showing entry of the Notice of Abandonment. If petitioner maintains a calendar or journal entry for **all** communications received from the Office, a notation should have been made for the receipt of the Notice of Abandonment. Therefore, as the evidence submitted by petitioner fails to provide a showing of the entry of **all** communications received from the USPTO, it can just as easily be concluded that the Notice was misplaced or lost after receipt at petitioner's address as it is to conclude that the Notice was lost in the mails after the mailing thereof from the USPTO. Accordingly, petitioner's evidence is insufficient to establish non-receipt of the Notice of December 7, 2005.

For petitioner's records, a copy of the Notice of December 7, 2005 accompanies this decision on petition.

It is noted that a nonprovisional application, Application No. 11/604,021, was deposited on November 22, 2006; however, the application was not assigned a filing date of November 22, 2006, since the specification lacked at least one claim. On February 16, 2007, petitioner filed a claim in Application No. 11/604,021; therefore, that application was accorded a filing date of February 16, 2007. As this nonprovisional application was not accorded a filing date within 12 months of the November 22, 2005 filing date of the provisional application, nonprovisional Application No. 11/604,021 cannot now claim benefit of priority to provisional Application No. 60/739,095, even if petitioner can establish non-receipt of the Notice of December 7, 2005 in the provisional application.

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

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

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

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

Correspondence with respect to this matter may also be filed through the Electronic Filing System of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Copy of Notice of December 5, 2005

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
60/739,095	11/22/2005	John Christopher Polster	

CONFIRMATION NO. 7124

John C. Polster, P.C.
1230 Gerry St.
Woodstock, IL 60098

FORMALITIES LETTER

Date Mailed: 12/07/2005

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 statutory basic filing fee is insufficient.
  Applicant must submit $ **20** *to complete the basic filing fee for a small entity.*

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(g) of $25 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$45** for a Small Entity

- **$20** Statutory basic filing fee.
- **$25** Surcharge.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CELIGHT, INC.
SUITE 300
12200 TECH ROAD
SILVER SPRING MD 20904

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DEC 2 0 2006

OFFICE OF PETITIONS

In re Application of
Isaac Shpantzer
Application No. 60/739,179
Filed: November 23, 2005
Attorney Docket No.: **20001**

DECISION ON PETITION

This is a decision on the petition filed September 26, 2006, which is treated under 37 CFR 1.181 in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned March 7, 2006, for failure to reply to the Notice to File Missing Parts mailed January 4, 2006, which set a two (2) month period for reply. No extensions of time having been filed, a Notice of Abandonment was mailed September 14, 2006.

Petitioner asserts that they did not change their address and their mail works fine however the Notice to File Missing Parts was never received. A review of the record indicates no irregularity in the mailing of the Office action, 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 Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the inventor that the Office communication was not received and attesting to the fact that a search of the 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 petitioner's statement.[1]

ALTERNATIVE VENUE

In the event petitioner is unable to prove non-receipt, petitioner may wish to consider filing a

[1] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

renewed petition under 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Please note that the petition fee for a small entity under 37 CFR 1.137(b) is $750.00 and $1,500.00 for a large entity.

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

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DEC 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Hansford et al. :
Application No. 60/739,337 : ON PETITION
Filed: November 23, 2005 :
Attorney Docket No. HFSC-0004-PR1 :

This is a decision on the petition under 37 CFR 1.53(c) filed May 3, 2007, requesting that the above-identified application be accorded a filing date of November 23, 2005, rather than the presently accorded date of November 25, 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 November 23, 2005, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of USPS Express Mail Click-N-Ship label No. EO 914630978 US, showing a "date-in" of "11/23/05." The same Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated November 23, 2005 on the cover page for the application papers. Additionally, applicant has submitted copy of the Track & Confirm record showing that the package in question was accepted on November 23, 2005, at 6:08 p.m. at the Merrifield, VA USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on November 23, 2005. Accordingly, the instant application is entitled to a filing date of November 23, 2005 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee. The $400.00 petition fee submitted with the instant petition was refunded on June 25, 2007.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of November 23, 2005, along with a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Walsh at (571) 272-3206.

Frances Hicks
Petitions Examiner
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
60/739,494	11/25/2005		200	43315-9917US	1		

CONFIRMATION NO. 2104

CORRECTED FILING RECEIPT

OC000000022070643

26694
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Date Mailed: 01/19/2007

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)

Sigurd Grimestad, Vasteras, SWEDEN;
Borje Johansson, Vasteras, SWEDEN;

Power of Attorney:

Eric Franklin--37134

If Required, Foreign Filing License Granted: 12/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/739,494

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method to increase the head rope life for single and double conveyance friction hoists for deep shafts

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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FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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NOV 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Timothy M. Swager, et. al.	:	
Application No. 60/739,586	:	DECISION GRANTING
Filed: November 25, 2005	:	PETITION
Attorney Docket No. M0925.70161US01	:	

This is a decision on the petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of November 25, 2005, rather than the presently accorded date of November 23, 2005.

Petitioner alleges that the application was deposited in Express Mail Service on November 25, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EL 931652721 US, which shows a date in of November 25, 2005, and a U.S. Postal Service (USPS) receipt date stamp of November 25, 2005. It is also noted that the Provisional Application Coversheet was accompanied by a separate statement of Express Mail under 37 CFR 1.10, dated November 25, 2005, which references a Provisional Patent Application Transmittal (1 page), Provisional Patent Application (43 pages of specification) (1 page abstract) (26 pages of claims), an Application Data Sheet (2 pages) and Drawings (8 sheets). However, for some unknown reason the Office mistakenly accorded the above application a filing date of November 23, 2005.

Since it is clear that this application was in fact deposited with the Express Mail Service on November 25, 2005, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to November 25, 2005, and **for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 30 2006

OFFICE OF PETITIONS

Vivien Y. Tsang, Esq.
The Sherwin-Williams Company - Legal Dept.
101 Prospect Avenue, N.W.
Cleveland OH 44115

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AUG 29 2006

OFFICE OF PETITIONS

CANCELLED

In re Application of :
Patka, Sr. et al. :
Application No. 60/739,693 : DECISION ON PETITION
Filed: November 23, 2005 :
Attorney Docket No. 7615 :

This is a decision on the petition filed February 7, 2006, requesting that the above-identified application be accorded a filing date of November 23, 2005. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On November 23, 2005, applicants deposited the above-identified application. On December 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 drawings. It is noted that the specification filed on November 23, 2005, describes drawings containing Figures 1-4; however, it appears the Office did not receive any drawings on filing.

In response, applicants filed the present petition. Applicants assert that drawings are not necessary for an understanding of the subject matter to be patented.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is 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.

This application contains at least one method claim. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the Notice of Incomplete Provisional Application mailed on December 7, 2005, was sent in error and is hereby withdrawn. The application will be accorded a filing date of November 23, 2005.

Accordingly, the petition is **granted**.

The Office of Initial Patent Examination is directed to accord the provisional application a filing date of November 23, 2005, with "0" sheets of drawings.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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
60/739,697	11/22/2005		200	16961US01	7		

CONFIRMATION NO. 1911

CORRECTED FILING RECEIPT

OC000000017797657

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Date Mailed: 01/06/2006

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)

Jeffrey Alan Middlesworth, Wauconda, IL;
Amiel Sabbagh, Williamsburg, VA;
Marty Hoenigmann, Chippewa Falls, WI;
Daniel D. Gardner JR., Petoskey, MI;

Power of Attorney:

James Williams III--56883

If Required, Foreign Filing License Granted: 12/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/739,697

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Canted wheel elastic laminate

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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MATTHEW RABINOWITZ
80 HAYFIELDS ROAD
PORTOLA VALLEY, CA 94028

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SEP 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Rabinowitz et al.	:	
Application No. 60/739,882	:	ON PETITION
Filed: November 26, 2005	:	
Attorney Docket No. 35506-501 PRO	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the basic filing fee and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

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 November 26, 2006, when it went abandoned as a matter of law.

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.

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.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
ONE FINANCIAL CENTER
BOSTON, MA 02111

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

ERICA K. ANDERSON
1341 DAYTON ST., #G
SALINAS, CA 93908

MAILED

JAN 28 2010

OFFICE OF PETITIONS

In re Application of :
Erica K. Anderson, et. al. :
Application No. 60/739,885 : ON PETITION
Filed: November 28, 2005 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 12, 2006, to revive the above-identified application. The delay in responding is sincerely regretted.

The petition is **DISMISSED**.

The application became abandoned for failure to file a reply to the Notice to File Missing Parts of Provisional Application (Notice) mailed December 21, 2005. A Notice of Abandonment was mailed on August 31, 2008.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 37 CFR 1.17(m); (**3**) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (**4**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lack items (1) and (3) above.

With respect to item (1), a proposed reply was received on September 12, 2006 and November 14, 2006. However, the Notice mailed December 21, 2005 required petitioner to supply a Provisional Application Cover Sheet under 37 CFR 1.51(c)(1), which may be an Application Data Sheet (37 CFR 1.76) (ADS) that identifies either the city and state or the city and foreign country of the residence of each inventor. A review of the record shows that a "DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)" was filed on the above dates, which is not a Provisional Application Cover Sheet or an ADS that states either the city and state or city and foreign country of the residence of each

inventor. Thus, the appropriate Provisional Cover Sheet or ADS must be submitted. See Application Data Sheet 37 CFR 1.76 enclosed with this decision on petition.

With respect to item (3), the petition is signed by one of three joint inventors. An unsigned paper or one not properly signed by a person having authority to prosecute an application or patent is not entered. Therefore, as the petition was not signed by all the inventors, the petition filed September 12, 2006 is considered not to contain a proper statement of unintentional delay.

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

(1) A patent practitioner of record appointed in compliance with § 1.32(b);
(2) A patent 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.**

In this regard, it is noted that the Declarations filed on September 12, 2006 and November 14, 2006 lists Neil C. Anderson, Erica K. Anderson and Maria M. Anderson. The petition form, however, is signed only by Neil C. Anderson. A petition signed by all the inventors must be submitted. Thus, Applicants should file a properly signed petition. No additional petition fee is necessary.

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) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)", and contain the signature and printed name of both inventors. Petitioner is advised that this is **not** a final agency decision.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Application Data Sheet 37 CFR 1.76

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about 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 inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/14 (11-08)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention		

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City		State/Province		Country of Residence [i]	

Citizenship under 37 CFR 1.41(b) [i]

Mailing Address of Applicant:

Address 1	
Address 2	

City		State/Province	
Postal Code		Country [i]	

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number			
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention			
Attorney Docket Number		Small Entity Status Claimed	☐
Application Type			
Subject Matter			
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

PTO/SB/14 (11-08)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention		

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S. C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number			

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

			Remove
Application Number	Country [i]	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			◉ Yes ○ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

PTO/SB/14 (11-08)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention		

If the Assignee is an Organization check here. ☐				
Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information:			
Address 1			
Address 2			
City		**State/Province**	
Country [i]		Postal Code	
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the **Add** button.			

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature				Date (YYYY-MM-DD)	
First Name		Last Name		Registration Number	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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.**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-07

NEIL C. ANDERSON
STE. G
1341 DAYTON ST.
SALINAS CA 93901

COPY MAILED

FEB 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Anderson et al.	:	
Application No. 60/739,968	:	
Filed: 28 November, 2005	:	LETTER DISMISSING PETITION
For: METHOD OF INFLUENCING ANIMAL BROWSING OF PLANTS BY THE MANIPULATION OF PLANT NUTRIENTS	:	

This is a communication in response to the paper styled as a petition, filed on 14 November, 2006, under 37 CFR 1.137(b)[2] to revive the above-identified application.

The petition is dismissed for the reason stated below.

This application became abandoned on 22 February, 2006, for failure to timely file a response to the Notice to File Missing Parts of Provisional Application mailed on 21 December, 2005, which set a two (3) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 31 August, 2006.

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require 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 petition is not properly signed.

37 CFR 1.33(b) states that papers filed in an application, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent 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.

37 CFR 1.41(b)(2) states that the inventorship of a provisional application is that inventorship set forth in the cover sheet as prescribed by § 1.51(c)(1). If a cover sheet as prescribed by § 1.51(c)(1) is not filed during the pendency of a provisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(c), unless applicant files a paper including the processing fee set forth in § 1.17(q), supplying or changing the name or names of the inventor or inventors.

In this regard it is noted that the cover sheet filed on 28 November, 2005, lists Neil C. Anderson and John R.C. Anderson. The petition form , however, is signed only by inventor Neil C. Anderson. A petition signed by all of the inventors must be filed.

Applicant should file a properly signed petition. No additional petition fee is necessary.

A reply to this communication should be submitted within ONE (1) MONTH of receipt of this communication.

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

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

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

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

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

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
DIW May-07

NEIL C. ANDERSON
STE. G
1341 DAYTON ST.
SALINAS CA 93901

COPY MAILED

MAY 0 8 2007

OFFICE OF PETITIONS

In re Application of :
Anderson et al. :
Application No. 60/739,968 :
Filed: 28 November, 2005 : ON PETITION
For: METHOD OF INFLUENCING :
ANIMAL BROWSING OF PLANTS BY :
THE MANIPULATION OF PLANT :
NUTRIENTS :

This is a decision in response to the petition, filed on 19 February, 2007, under 37 CFR 1.137(b)[2] to revive the above-identified application.

The petition is **granted**.

This application became abandoned on 22 February, 2006, for failure to timely file a response to the Notice to File Missing Parts of Provisional Application mailed on 21 December, 2005, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 31 August, 2006. The paper styled as a petition filed on 14

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require 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)).

November, 2006, and signed by joint inventor Neil C. Anderson, was dismissed on 12 February, 2007, because it was not signed on behalf of all of the inventors.

On 19 February, 2007, petitioners filed a petition form signed by joint inventor John R.C. Anderson. As a properly completed petition form signed by both joint inventors has now been received, the petition may be treated on the merits.

Receipt of petitioners' response to the Notice to File Missing Parts, filed on 12 September, 2006, is acknowledged.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

TUCKER, ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND OH 44115-1414

COPY MAILED

JAN 25 2007

OFFICE OF PETITIONS

In re Application of :
Marc Hanley :
Application No. 60/740,106 : DECISION GRANTING PETITION
Filed: November 28, 2005 :
Attorney Docket No. 69841/00016 :

This is a decision on the response filed July 31, 2006 which is treated as a petition under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of November 28, 2005. This decision also addresses the petition to revive under 37 CFR 1.137(b) filed on even date..

The petition under 37 CFR 1.53(e) is **GRANTED**.
The petition under 37 CFR 1.137(b) is **DISMISSED** as involving moot issues.

The application was filed on November 28, 2005, without drawings. Accordingly, on December 8, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings. No response having been timely filed, a Notice of Termination of Proceedings under 37 CFR 1.53(e) was mailed March 20, 2006.

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 November 28, 2005.

Based on petitioners argument, this application will be accorded a filing date of November 28, 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 in the amount of $400.00 has been charged to petitioner's deposit account no. 50-0902.

The application will be processed for filing date purposes using only the application papers present on November 28, 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. Petitioner is reminded that no amendment/corrections, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to a provisional application after the filing date of the provisional application. See 37 CFR 1.53(c); 37 CFR 1.121(j). As such, if petitioners desire to have the drawings submitted with the instant petition included, petitioners should simply file a new completed provisional application.

With regards to the petition for revival, since this application did not have a filing date, it could not therefore become abandoned. The Notice of Termination of Proceedings under 37 CFR 1.53(e) mailed March 20, 2006 advises that any request for reconsideration should be addressed to the Office of Initial Patent Examination with a response to the outstanding office action mailed December 8, 2005.

In view of the above, petitioner's deposit account no. 50-0902 has been credited in the amount of $750.00 for the petition to revive fee. Further, this matter is being referred to the Office of Initial Patent Examination for processing with a filing date of November 28, 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

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

JOHN S. BEULICK (24691)
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS, MO 63102-2740

COPY MAILED

JUN 23 2008

In re Application of :
Stoughton et al. :
Application No. 60/740,351 : ON PETITION
Filed: November 29, 2005 :
Attorney Docket No. 60113.0011USP1 :

This is a decision on the petition, filed on February 6, 2006, which is being treated as a petition requesting that the requirement of 37 CFR 1.59(a)(2) be waived or suspended pursuant to 37 CFR 1.183 such that a portion of the originally filed disclosure be expunged from this file.

The petition is dismissed.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition Under 37 CFR 1.183."

Although petitioner submitted $200.00 petition fee, a $400 petition fee is required. In processing the application, the $200.00 petition fee was refunded. However, an attempt to charge deposit account 13-2725 the $400.00 petition fee was unsuccessful. Neither the applicants' attorney nor Merchant and Gould are listed as authorized users on deposit account no. 13-2725. As such the petition fee in the amount of $400.00 is required before a decision on the merits can be rendered.

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

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

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

Alexandria, VA 22314

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN S. BEULICK (24691)
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS, MO 63102-2740

COPY MAILED

SEP 22 2008

In re Application of :
Stoughton et al. :
Application No. 60/740,351 : ON PETITION
Filed: November 29, 2005 :
Attorney Docket No. 60113.0011USP1 :

This is a decision on the petition, filed on July 25, 2008, which is being treated as a petition requesting that the requirement of 37 CFR 1.59(a)(2) be waived or suspended pursuant to 37 CFR 1.183 such that a portion of the originally filed disclosure be expunged from this file.

The petition is **GRANTED-IN-PART**.

Petitioner maintains the page entitled "Spiral Releases", page 17 of the specification, was unintentionally submitted. Petitioner contends the page contains proprietary material outlining an in-house development timeline of events. Petitioner insists page 17 of the specification is not material to patentability and the failure to expunge will cause irreparable harm to the party in interest.

Petitioner's arguments have been considered and are persuasive. The page entitled "Spiral Releases" was part of the specification as submitted on filing. Information which is part of the original disclosure (specification including any claims, drawings, and any preliminary amendment referred to in the oath or declaration) cannot be expunged under 37 CFR 1.59. A petition to expunge a part of the original disclosure must be filed under 37 CFR 1.183, since such a request requires a waiver of the requirements of 37 CFR 1.59(a).

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations, which is not a requirement of the statutes may be suspended or waived by the Director. Petitioner has established that an extraordinary situation exists that justice would require the expungement and return of page 17 of the specification, entitled "Spiral Releases". The United States Patent and Trademark Office electronically scans all applications and maintains the applications in electronic form. The petition has been granted-in-part in that the application page 17 has been closed and will not be made available to the public.

Finally, the Office is in receipt of the $400.00 petition fee set forth in 37 CFR 1.17(f) for the petition under 37 CFR 1.183.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

F. ANDREW BURBIDGE
17 ROWAN AVENUE
MARKET HARBOROUGH LEI69LS
UNITED KINGDOM

COPY MAILED

MAY 26 2006

OFFICE OF PETITIONS

In re Application of	:	
Felix Burbidge	:	DECISION DISMISSING
Application No. 60/740,548	:	PETITION
Filed: November 30, 2005	:	
Title: SPECIAL VIDEO-GAME	:	
SYSTEM FOR LEARNING,	:	
ENTERTAINMENT AND ADVERTISING	:	

This is in response to the communication filed April 28, 2006, to petition for a change in filing date to November 29, 2005. No fee accompanied this petition. Given the absence of payment of a fee and the arguments on petition, this paper is properly treated as a request to accord the application a filing date as of the date of deposit with the US Postal Service.

Petitioner argues that although the application was delivered to the Office on November 30, 2005 via the Royal Mail, the United Kingdom's national postal service, it is entitled to a filing date of November 29, 2005 because the mailing was under the control of the US Parcel Service on that date.

RELEVANT STATUTE, REGULATION AND NOTICES

35 U.S.C. 111(b)(4), provides, in pertinent part:

> 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.

§ 1.6 Receipt of correspondence.

(a) Date of receipt and Express Mail date of deposit.

Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:

(1) The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia. Except for correspondence transmitted by facsimile under paragraph (a)(3) of this section, or filed electronically under paragraph (a)(4) of this section, no correspondence is received in the Office on Saturdays, Sundays, or Federal holidays within the District of Columbia.

(2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

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

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

However, as stated in MPEP 512:

The benefits of ... 37 CFR 1.10 apply only to documents delivered to the Office by the U.S. Postal Service.

ANALYSIS

Petitioner's arguments and evidence have been considered, but not found persuasive that the application is entitled to a filing date other than November 30, 2005, the date of receipt of the application papers in the Office.

It is undisputed that the application was deposited in the Royal Mail service, and not the USPS. The fact that the papers were

subsequently under the control of the USPS does not satisfy the requirements of § 1.10. It is well established that the benefits of § 1.10 apply only to documents deposited in the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) and delivered to the Office by the U.S. Postal Service. See § 1.10(a) and MPEP 512. Documents deposited in the national postal services of other countries are not entitled to the benefit of § 1.10, as such deposit does not comply with § 1.10(a). The filing date of papers deposited in such non-US postal services, but delivered via the USPS, is the date of receipt of the papers, pursuant to § 1.6.

Accordingly, pursuant to 37 CFR § 1.6 and 35 U.S.C. 111, the application as originally filed is entitled to the date of receipt of the specification and any required drawings as the filing date. The date petitioner maintains the application papers were deposited in the Royal Mail is not dispositive.

CONCLUSION

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

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136(a) or (b).

Petitioner is advised that payment of a petition fee of $400 is required on petition for a filing date, other than on petition pursuant to § 1.10.

This provisional application will retain a filing date of November 30, 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
ATTN: NANCY JOHNSON

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 0 9 2006

OFFICE OF PETITIONS

PASSE' INTELLECTUAL PROPERTY, LLC
1717 BRASSFIELD RD.
RALEIGH, NC 27614

In re Application of :
Passé :
Application No. 60/741,007 : ON PETITION
Filed: November 30, 2005 :
Attorney Docket No. AXI002-Pr :

This is a decision in response to the "Petition to Grant Filing Date And Refund Petition Fee 37 CFR § 1.53(e) filed December 21, 2005. The petition will also be treated under 37 CFR 1.10.

The petition under 37 CFR 1.53 is **dismissed as moot**.

The petition under 37 CFR 1.10(d) is **granted**.

The application was filed using the procedures under Express Mail.

The Office accorded the application a filing date of November 29, 2005.

The petition under 37 CFR 1.53 is accompanied by the fee of $400 and requests a filing date of November 30, 2005.

The petition is accompanied by a copy of the Express Mail label which includes a written date-in of November 29, 2005. The label is stamped with the date November 30, 2005.

An internet search of a USPS database indicates the Express Mail envelope was accepted by the USPS at 3:51 pm on November 30, 2005.

Considering all the facts above, relief is granted under 37 CFR 1.10(d). A petition fee is unnecessary for a petition under 37 CFR 1.10(d).

Since relief has been granted under 37 CFR 1.10(d), the petition under 37 CFR 1.53 is unnecessary and is dismissed. The Office will schedule a refund of the $400 petition fee.

The Office of Patent Examination will be informed of the instant decision and will accord the application a filing date of November 30, 2005.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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

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DEC 15 2006
OFFICE OF PETITIONS

In re Application of :
Yoshida : DECISION ON PETITION
Application No. 60/741,103 :
Filed: November 30, 2005 :
For: 3020 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 20, 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 December 23, 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. Notice of Abandonment was mailed August 31, 2006.

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.

The requested change of correspondence address/power of attorney has been entered into the record.

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

Commissioner for Patents
United States Patent and Trademark Office
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PATENT ADMINISTRATION
INTELLECTUAL PROPERTY BUSINESS
15460 LAGUNA CANYON ROAD
MC 1650-7006
IRVINE CA 92618

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of :
Patricia A. Lewis :
Application No. 60/741,703 : DECISION ON PETITION
Filed: March 13. 2006 :
Attorney Docket No: 05-1299 :

This is a decision on the petition to accord a filing date, filed March 13, 200604, 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 December 2, 2005.

The petition is **DISMISSED**.

The instant provisional application papers as deposited on December 2, 2005 consisted of eight (8) pages of drawings. On January 20, 2006, however, the Office of Initial Patent Examination sent a Notice of Incomplete Provisional Application, indicating that the papers as filed, lacked a specification and that the filing date would be the date of receipt of the missing specification.

In reply, on March 13, 2006, with the instant petition, a complete specification including an abstract and copies of the drawings submitted upon application, were filed.

Pursuant to 35 U.S.C. 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 U.S.C. 112 ¶ 1, and a drawing as prescribed by 35 U.S.C. 113.

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

A review of the record reveals that the instant provisional application papers as filed on December 2, 2005 consisted of eight (8) pages of drawings and on each page was text describing the invention however, the descriptive text was not sufficient enough within the meaning of 35 U.S.C. 112, to perhaps even be construed as the written description thus entitling the application to a filing date of December 2, 2005.
It is acknowledged that there is no explicit requirement that precludes the obtaining of a filing date for a provisional application when the specification and drawings are, as

here, not separated but there is a requirement for a specification that would enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

All conditions for obtaining a filing date in this provisional application were not clearly met on December 2, 2005, therefore the Notice of January 20, 2006 was not mailed in error and will not be vacated. Thus, the petition fee will not be refunded.

This provisional application is being forwarded to the Office of Initial Patent Examination (OIPE), for further processing with a filing date of March 13.2006, the date a complete specification was filed, as was indicated in the Notice of Incomplete Provisional Application.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT ADMINISTRATION
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15460 LAGUNA CANYON ROAD
MC 1650-7006
IRVINE CA 92618

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Patricia A. Lewis :
Application No. 60/741,703 : DECISION ON PETITION
Filed: December 2, 2005 :
Attorney Docket No: 05-1299 :

This is a decision on the renewed petition to accord a filing date, filed June 29, 2006, 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 December 2, 2005.

The petition is **GRANTED**.

The instant provisional application papers as deposited on December 2, 2005 consisted of eight (8) pages of drawings. On January 20, 2006, however, the Office of Initial Patent Examination sent a Notice of Incomplete Provisional Application, indicating that the papers as filed, lacked a specification and that the filing date would be the date of receipt of the missing specification. In reply, a petition to accord a filing date of December 2, 2005, filed March 13, 2006, included a complete specification including an abstract and copies of the drawings submitted upon application. The petition was dismissed in a decision mailed March 24, 2006 because the descriptive text was not sufficient enough within the meaning of 35 U.S.C. 112, to perhaps even be construed as the written description thus entitling the application to a filing date of December 2, 2005.

Pursuant to 35 U.S.C. 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 U.S.C. 112 ¶ 1, and a drawing as prescribed by 35 U.S.C. 113. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Petitioner argued in the March 13, 2006 petition and argues in the instant renewed

petition that it is well settled that a drawing may by itself constitute a written description of the invention if it reasonably conveys to one of ordinary skill that the inventor possessed the invention. Petitioner asserts that the application as filed contained eight drawing figures, illustrating and describing various aspects and operative embodiments and examples of the present invention relating to a system description section of a maintenance manual. According to petitioner, these drawings, as well as the title as listed on the cover sheet, provide a written description as required under 35 U.S.C. § 112, first paragraph. Thus, the provisional application as filed complies with 35 U.S.C. § 112, first paragraph, and is entitled to a filing date.

RELEVANT STATUTES, REGULATIONS AND PROCEDURE

35 U.S.C. 111(b) provides, in pertinent part, that:

(1) AUTHORIZATION. —A provisional application for patent shall be made or authorized to be made by the inventor, except as otherwise provided in this title, in writing to the Director. Such application shall include —

(A) a specification as prescribed by the first paragraph of section 112 of this title; and

(B) a drawing as prescribed by section 113 of this title.

(2) CLAIM. —A claim, as required by the second through fifth paragraphs of section 112, shall not be required in a provisional application.

...

(4) FILING DATE. —The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

35 U.S.C. 112, first paragraph, provides that:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

37 C.F.R. § 1.53(c) further provides that:

> The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.
>
> > (1) A provisional application must also include the cover sheet required by § 1.51(c)(1), which may be an application data sheet (§ 1.76), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section.

MPEP 601.01(b) provides that:

> A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

OPINION

Petitioner does not dispute that as filed the application did not include, other than the drawings and cover sheet, a description in writing regarding the claimed invention.

It is the practice of the Office to accord a filing date to an application that appears to comply with the requirements for according a filing date. Inasmuch as drawings alone may be sufficient to provide the written description requirement of § 112, first paragraph, and the instant application contains drawings and claims are not required, the instant provisional application appears to comply with the requirements for according a filing date. It is not necessary to now determine whether this provisional application will adequately support any non-provisional application claiming the benefit of its filing date. In this instance, the drawings will be construed as the written description required by 35 U.S.C. § 112, first paragraph.

CONCLUSION

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

The petition fee is being refunded to Deposit Account No. 01-2384, as authorized.

The provisional application file is being returned to the Office of Initial Patent Examination for **correction of the filing date to December 2, 2005**. In as much as the filing date is accorded based on the application as filed on December 2, 2005, the specification (including abstract) and drawings filed March 13, 2006 are not part of the original disclosure of the provisional application and will not be entered.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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APR 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Warashina et al.	:	
Application No. 60/741,733	:	ON PETITION
Filed: December 1, 2005	:	
Attorney Docket No. 014740-002000US	:	

This is a decision on the petition filed February 2, 2006, requesting that the above-identified application be accorded a filing date of December 1, 2005, rather than the presently accorded date of December 2, 2005. The petition is properly treated as a petition under 37 CFR 1.10.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 1, 2005, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 325548215 US, showing a handwritten "date-in" of "December 1, 2005." The same Express Mail receipt number appears on the original "Provisional Application For Patent Cover Sheet." Applicant has also submitted a copy of the US Postal Office receipt from "December 1, 2005, which includes EV 325548215 US.

To further substantiate applicant's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on December 1, 2005 at 6:04 p.m. at the Concord, CA USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on December 1, 2005.

The petition is **GRANTED**.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 1, 2005, along with a corrected filing receipt.**

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

Frances Hicks
Petitions Examiner
Office of Petitions

OIPE
FEB 02 2006
PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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

On: January 27, 2006
TOWNSEND and TOWNSEND and CREW LLP

By: Sylvia E. Arnold
Sylvia E. Arnold

PATENT
Attorney Docket No. 014740-002000US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 3000
Masaki Warashina *et al.*	Examiner: n/a
Application No.: 60/741,733	Art Unit: n/a
Filed: December 1, 2005	PETITION FOR FILING DATE UNDER 37 C.F.R. § 1.10(d)
For: COMPOSITIONS AND METHODS FOR INDUCING NEURONAL DIFFERENTIATION	
Customer No. 20350	

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

Sir:

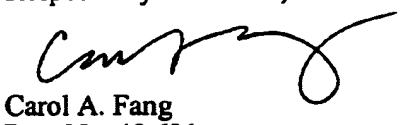
Pursuant to 37 CFR § 1.10 (d), Applicants petition to correct the Filing Date on the Filing Receipt for the above-referenced application. Attached is a copy of the Filing Receipt for which issuance of a corrected Filing Receipt is requested. Also, attached are copies of the Provisional Application for Patent Coversheet, the corresponding Express Mail Receipt No. EV 325548215 US validated by the U.S. Postal Service on December 1, 2005 and the register receipt issued by the U.S. Postal Service. As you can see, the Express Mail Receipt shows the

handwritten "date in" as being 12/01/2005. Further, the printed receipt from the U.S. Postal Service dated 12/01/2005 indicates that this shipment was mailed on December 1, 2005.

Applicants respectfully request that the filing date be corrected to read **12/1/05**.

The correction is not due to Applicants error, therefore, no fee is due. However, if the Commissioner determines that a fee is due, please charge such fee, including any necessary petition fee under 37 CFR §1.17(h), to Deposit Account No. 20-1430. This petition is submitted in duplicate.

Respectfully submitted,



Carol A. Fang
Reg. No. 48,631

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
CAF/sea
60689032 v1

OIPE IAP28
FEB 0 2 2006
PATENT & TRADEMARK OFFICE

PTO/SB/16 (10-05)

PROVISIONAL APPLICATION FOR PATENT COVER SHEET — Page 1 of 2

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. EV 325548215 US

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Masaki	Warashina	Tsukuba, Japan
Kyung Hoon	Min	San Diego, CA
Fred	Gage	San Diego, CA
Peter G.	Schultz	La Jolla, CA
Sheng	Ding	San Diego, CA

Additional inventors are being named on the _____ separately numbered sheets attached hereto

TITLE OF THE INVENTION (500 characters max)

COMPOSITIONS AND METHODS FOR INDUCING NEURONAL DIFFERENTIATION

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☒ The address corresponding to Customer Number: 20350

OR

☐ Firm or Individual Name

Address

City	State	Zip
Country	Telephone	Email

ENCLOSED APPLICATION PARTS *(check all that apply)*

☒ Application Data Sheet. See 37 CFR 1.76

☒ Specification *Number of Pages* 39

☒ Drawing(s) *Number of Sheets* 4

☐ CD(s), Number of CDs _____

☒ Other (specify) Return Postcard

Fees Due: Filing fee of $200 ($100 for small entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

METHOD OF PAYMENT OF FILING FEES AND APPLICATION SIZE FEE FOR THIS PROVISIONAL APPLICATION FOR PATENT

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check or money order is enclosed to cover the filing fee and application size fee (if applicable).

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

☒ The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to Deposit Account Number: 20-1430. A duplicative copy of this form is enclosed for fee processing.

200

TOTAL FEE AMOUNT ($)

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

Chase, Liana

From: U.S._Postal_Service_ [U.S._Postal_Service@usps.com]
Sent: Friday, April 14, 2006 9:41 AM
To: Chase, Liana
Subject: U.S. Postal Service Track & Confirm email Restoration - EV32 5548 215U S

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

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

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: EV32 5548 215U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
Delivered	ALEXANDRIA VA 22313	12/05/05 5:53am
Arrival at Pick-Up-Point	ALEXANDRIA VA 22313	12/03/05 8:19am
Arrival at Unit	DULLES VA 20102	12/03/05 8:07am
Enroute	OAKLAND CA 94615	12/01/05 8:09pm
Enroute	CONCORD CA 94520	12/01/05 6:38pm
Acceptance	CONCORD CA 94520	12/01/05 6:04pm

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

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at http://www.usps.com/shipping/trackandconfirmfaqs.htm

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EV 325548215 US

EXPRESS MAIL
UNITED STATES POSTAL SERVICE

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Label 11-F June 2002

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code: 94520	Day of Delivery: ☐ Next ☑ Second	Flat Rate Envelope: ☐
Date In: 12 01 2005 (Mo. Day Year)	☐ Noon ☐ 3 PM	Postage: $ 13.65
Time In: 1804 ☐ AM ☐ PM	Military: ☐ 2nd Day ☐ 3rd Day	Return Receipt Fee
Weight: lbs. 10 oz.	Int'l Alpha Country Code	COD Fee / Insurance Fee
No Delivery: ☐ Weekend ☐ Holiday	Acceptance Clerk Initials	Total Postage & Fees: $ 19.85

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EV 338459899	00255B	071110PC	GTG/MGM	CONCORD	6:00	TZB	13.65
EV 338459885	02307W	156610PC	BK/MGM				13.65
EV 325548215	14740	2000 US	CAF/SCO				13.65
EV 325547997	21825	2220 US	JS				17.85
EV 325549255	22104	242 US	MJH/DMD				24.20
EV 338467780	02307W	156610 US	BK/BLS				13.65
EV 324393490	22205	1210 US	WBK/JKH				13.65
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/741,733	12/01/2005		200	014740-002000US	4		

CONFIRMATION NO. 3000

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

Date Mailed: 05/03/2006

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)

Masaki Warashina, Tsukuba, JAPAN;
Kyung Hoon Min, San Diego, CA;
Fred Gage, San Diego, CA;
Peter G. Schultz, La Jolla, CA;
Sheng Ding, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 01/04/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/741,733

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Compositions and methods for inducing neuronal differentiation

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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especially with respect to certain countries, of other agencies, 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.

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

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OFFICE OF PETITIONS

In re Application of :
Goia et al. :
Application No. 60/742,031 : ON PETITION
Filed: December 2, 2005 :
Attorney Docket No. 6612-76PRO :

This is a decision on the petition filed on February 10, 2006, requesting that the Office accord the above-identified provisional application a filing date of December 2, 2005.

On December 2, 2005, applicants deposited the above-identified provisional application without drawings. On January 10, 2006, 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.

In the present petition, applicants acknowledge that they inadvertently omitted the drawings upon filing the application papers. Applicants assert that drawings are not necessary for an understanding of the invention sought to be patented. Applicants explain that the drawings are submitted in accordance with 37 CFR 1.81(b), as facilitating an understanding of the invention, without being necessary to such understanding. Accordingly, applicants aver that the application is entitled to a filing date of December 2, 2005, the date of deposit in Express Mail.

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.

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

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed, indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the Notice of Incomplete Provisional Application was sent in error. The Office will accord the above-identified application a filing date of December 2, 2005, without any drawings.

Accordingly, the petition is granted to the extent indicated above.

The $400.00 petition fee is unnecessary and will be refunded to the Deposit Account.

The Office of Initial Patent Examination is directed to accord the application a filing date of December 2, 2005, with "0" sheets of drawings. The 2 sheets of drawings submitted on February 10, 2006, will not be entered.

Any inquiries regarding 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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In re Application of	:	
Michael W.J. Dodds et al	:	
Application No. 60/742,361	:	DECISION GRANTING
Filed: December 2, 2005	:	PETITION
Attorney Docket No. 12991/3	:	

This is a decision on the petition, filed March 13, 2006, requesting that the above-identified application be accorded a filing date of December 2, 2005, rather than the presently accorded date of December 5, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on December 2, 2005 pursuant to 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label No. EV 655030493 US bearing a handwritten "date-in" of December 5, 2005. However, petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is December 2, 2005. In support, the petition is accompanied by a copy of the USPS Track and Confirm record, which shows that the package in question was accepted by the USPS on December 2, 2005. The same Express Mail label number also appears on the original application transmittal letter of record in the file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on December 2, 2005, as shown by the USPS Track and Confirm record. Accordingly, this application is entitled to a filing date of December 2, 2005, and has been so accorded.

In view of the above, the petition is **GRANTED** and this application has been accorded a filing date of December 2, 2005.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3218. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Robert B. Carr :
Application No. 60/742,558 : DECISION GRANTING PETITION
Filed: December 5, 2005 :
Attorney Docket No. RBCW-005Aq800 :

This is a decision on the petition filed February 2, 2006, to vacate the "Notice of Omitted Items in Provisional Application (the "Notice").

The petition is **granted**.

On December 5, 2005, the above-identified application was filed. However, on January 6, 2006, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date, but that pages 5-10 of the specification, appeared to have been omitted. The Notice set a two-month period for reply.

In response, on February 2, 2006, applicant filed the present petition, a copy of the specification, including pages 5-10, and an Office date-stamped postcard receipt acknowledging receipt of 72 pages of the specification.

Upon review of the record, pages 5-10 were not located among the application papers. However, the evidence is convincing that the application papers deposited December 5, 2005, included 72 pages of the specification and the Office subsequently misplaced pages 5-10. Therefore, the application, including pages 5-10 of the specification, was complete on filing and entitled to a filing date of December 10, 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 December 5, 2005, using the 72 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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OFFICE OF PETITIONS

In re Application of Hynek :
Application No. 60/742,591 : Decision on Petition
Filing Date: December 6, 2005 :
Attorney Docket No. HYNE03-00003 :

This is a decision on the petition filed February 27, 2006, under 37 CFR 1.10 to accord the above-identified application a filing date of December 6, 2005, instead of December 7, 2005.

The petition is **granted**.

The Office is unable to locate the "Express Mail" mailing label filed with the petition. Therefore, the Office is unable to grant relief under 37 CFR 1.10(c). However, petitioner has provided a printout from a USPS database indicating the application was given to the USPS on or before 7:01pm on December 6, 2005. Therefore, relief can be granted under 37 CFR 1.10(d).

Petitioner has satisfied the requirements of 37 CFR 1.10(d) and the application will be accorded a filing date of December 6, 2005.

A petition fee is unnecessary for a petition under 37 CFR 1.10. Therefore, the petition fee of $400 will be credited to petitioner's deposit account.

The Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of December 6, 2005, and consider the request to correct the title filed February 27, 2006.

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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PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

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OFFICE OF PETITIONS

In re Application of :
Meital Zilberman :
Application No. 60/742,869 : DECISION ON PETITION
Filed: 7 December, 2005 :
Atty Docket No. 30757 :

This is a decision on the "Response to Notice of Omitted Item(s)" filed on 21 February, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 7 December, 2005, with Page 34 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 7 December, 2005.

Accordingly, on 11 January, 2006, 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 7 December, 2005, but that Page 34 of the specification (description and claims) appeared to have been omitted.

In response, on 21 February, 2006, the present petition and a copy of, *inter alia*, 77 pages of specification, including claims and one (1) sheet of abstract, were filed. Petitioner argues that Page 34 was filed with the other application papers on 7 December, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of 7 December, 2005 and identifies the application by inventor's name, docket number, and invention title, and acknowledges receipt of, *inter alia*, "77 pages of specification, abstract." Petitioner requests that the application, including Page 34 of the specification, be accorded a filing date of 7 December, 2005.

A review of the record reveals that Pages 1-33 and 35-77 of the specification, including the claims and one (1) page of abstract, were received on 7 December, 2005. No Page 34 is located among the pages of specification received on that date. However, the evidence is convincing that the application papers deposited on 7 December, 2005, included Page 34 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 34 of the specification, is entitled to a filing date of 7 December, 2005.

The "Notice" mailed on 11 January, 2006, is vacated.

In view of the above, the petition is granted. No petition fee is due.

The application will be processed with the copy of Page 34 of the specification supplied with the present petition as a part of the original disclosure. The copies of other application papers supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 7 December, 2005, using the application papers filed on that date and the copy of Page 34 supplied with the present petition.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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In re Application of :
Bazak, et al. :
Application No. 60/742,929 : DECISION GRANTING PETITION
Filed: December 6, 2005 :
Attorney Docket No. 1847.1033P :

This is a decision on the "PETITION FOR FILING DATE AND REFUND", filed February 6, 2006, to accord the above-identified application a filing date of November 1, 2005, with 1 page of drawing as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on December 6, 2005. However, on January 26, 2006, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Provisional Application." Applicants were informed that the application had not been accorded a filing date because the application was deposited without a specification.

In response, applicants filed the present petition. Applicants submitted 111 pages of specification, together with a postcard receipt identifying the application, itemizing "Spec. (111 pgs)" as enclosed, and bearing a USPTO date stamp of December 6, 2005.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 19-3935.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of December 6, 2005, using the application papers received in the Office on that date and the 111 pages of specification as resupplied on petition filed February 6, 2006.

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

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

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In re Application of Bentwich et al. :
Application No. 60/743,098 : Decision on Petition
Filing Date: January 5, 2006 :
Attorney Docket No. 06087.0102.PZUS00 :

This is a decision on the petition filed March 17, 2006, requesting the above-identified provisional application be accorded a filing date of January 5, 2006.

The petition is **granted**.

The specification filed on January 5, 2006, described drawings, but no drawings are in the file wrapper. As a result, on February 16, 2006, a Notice was mailed stating drawings did not appear to be included as part of the application filed. The Notice stated a filing date had not been accorded and the filing date would be the date of receipt of drawings.

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) 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.

This application contains some disclosure directed to a process or method. Therefore, the application will be accorded a filing date of January 5, 2006.

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.

In view of the above, the "Notice" mailed February 16, 2006, was mailed in error and is hereby withdrawn.

The application will be accorded the January 5, 2006 filing date without drawings as requested in the petition.

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

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 5, 2006, 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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In re Application of :
Steven W. Amato :
Application Number: 60/743180 : ON PETITION
Filing Date: June 10, 2008 :
Attorney Docket Number: :
967.093PRV :

This is a decision on the petition filed on June 10, 2008, which is treated as a petition under 37 CFR 1.53 to accord the application a filing date of January 27, 2006.

The petition is **dismissed**.

The application was transmitted via the USPTO's Electronic Filing System (EFS) on January 27, 2006. The application documents transmitted on January 27, 2006, consisted of two (2) pages of a PTO-875 Fee Worksheet.

Accordingly, on May 1, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application, stating that the application had not been accorded a filing date because the specification was missing. The Notice stated that the application would be accorded a filing date as of the date of the receipt of a complete specification in compliance with 35 U.S.C. 112.

On June 10, 2008, the present petition was filed, whereby petitioner asserts that a complete application was filed on January 27, 2006. In support, petitioner has supplied a copy of the acknowledgement receipt. A copy of the specification has also been supplied with the present petition.

Petitioner avers, in essence, that a complete application must have been filed because "without adding the specification, or any other document, the EFS system will NOT allow a user to update and validate."

Petitioner's argument has been considered, but is not persuasive.

An examination of the original PDF files received at the USPTO on January 27, 2006, reveals that no specification is located therewith. Rather, a review of the electronic acknowledgement receipt located in the original file indicates that only 2 pages of the PTO-875 Fee Worksheet were received on January 27, 2006. No other documents, or pages, are listed on the acknowledgement receipt.

It is further noted that the copy of the acknowledgement receipt provided by petitioner also indicates that only two (2) pages of Fee Worksheet were filed on January 27, 2006.

Simply put, petitioner has presented no evidence that the specification was filed on January 27, 2006. With respect to petitioner's assertion that the EFS system does not allow an application to be created without filing a specification, while the EFS system was designed to assist applicants in avoiding mistakes and omissions in filing applications, the responsibility for filing a complete application remains with the applicant. In other words, it is the responsibility of the applicant, not the USPTO, to ensure that the required documents are attached and uploaded when filing an application via EFS-Web.

As stated in the Frequently Asked Questions about EFS-Web it is stated that that most new applications submitted electronically can be viewed in Private PAIR within an hour after filing. See http://www.uspto.gov/ebc/efs_faq.htm. As such, petitioner could have reviewed the application after submission and verified that the specification had been filed.

While the present situation is unfortunate, petitioner has presented no evidence that the specification for the subject application was filed on January 27, 2006, or on any date prior to June 10, 2008. On June 10, 2008, the specification was received. As such, the application will be accorded a filing date of June 10, 2008.[1]

---

[1] Although no drawings were filed with the papers received on June 10, 2008, it is noted that the specification includes at least one method claim. 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). It is therefore concluded that drawings are not necessary for the papers filed on June 10, 2008, to be accorded a filing date.

In the absence of convincing evidence that the specification was filed on January 27, 2006, the petition must be dismissed.

The "Notice" mailed on May 1, 2008, was correct in stating that the specification was missing. 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 was required upon filing.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended.[2]

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
401 Dulany Street
Alexandria, VA 22314

The application is forwarded to the Office of Patent Application Processing for further processing with a filing date of June 10, 2008, using the specification filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] 37 CFR 1.181(f).

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Steven W. Amato :
Application Number: 60/743180 : ON PETITION
Filing Date: June 10, 2008 :
Attorney Docket Number: :
967.093PRV :

This is a decision on the request for reconsideration filed on October 2, 2008, which is treated as a renewed petition under 37 CFR 1.53 to accord the application a filing date of January 27, 2006.

The petition is again **dismissed**.

The application was transmitted via the USPTO's Electronic Filing System (EFS) on January 27, 2006. The application documents transmitted on January 27, 2006, consisted of two (2) pages of a PTO-875 Fee Worksheet.

Accordingly, on May 1, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application, stating that the application had not been accorded a filing date because the specification was missing. The Notice stated that the application would be accorded a filing date as of the date of the receipt of a complete specification in compliance with 35 U.S.C. 112. The petition filed on June 10, 2008, was dismissed on August 5, 2008.

The present renewed petition was filed on October 2, 2008.

Petitioner again asserts that a complete application was filed on January 27, 2006.

Petitioner further argues:

> First, the PTO did not notify the Applicant of any problem until years after filing. Second, the PTO does not appear to have given any weight to the exigent circumstances of this case; that is, that the application was filed with a system that was not yet completely stable or reliable.
>
> Applicant contends that a complete application was electronically filed on January 27, 2006. As described in the original petition, applicant's own records show that a complete application was filed. Applicant received a serial number and receipt as verification. Applicant asserts that it could not have received the serial number and receipt unless a complete application had been filed. Applicant requests that the PTO consider the exigent circumstances of the filing which include an electronic filing system still under development, and still displaying unreliability. Applicant participated in the USPTO beta tests because applicant believed that the PTO would act in good faith regarding its response to the many system failures in those early days. Furthermore, Applicant assumed, in good faith, that the PTO would not delay for years, well beyond the time period when corrective action could be taken, in providing notification of problems observed by the PTO.

Petitioner's argument has been carefully considered, but is not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. In accordance with MPEP 103, the Image File Wrapper (IFW) is the official record of the 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.

As stated previously, an examination of the original PDF files received at the USPTO on January 27, 2006, reveals that no specification is located therewith. Rather, a review of the electronic acknowledgement receipt located in the original file indicates that only 2 pages of the PTO-875 Fee Worksheet were received on January 27, 2006. No other documents, or pages, are listed on the acknowledgement receipt.

Further, the copy of the acknowledgement receipt provided by petitioner also indicates that only two (2) pages of Fee Worksheet were filed on January 27, 2006.

Further still, a review of the Official file reveals that only the Fee Worksheet was filed on January 27, 2006. While petitioner states that applicant's records show that a complete application was filed on January 27, 2006, the USPTO records do not show *receipt* of any application papers, save for the Fee Worksheet, on January 27, 2006, or on any date prior to June 10, 2008. In the absence of evidence from the USPTO acknowledging receipt of the application papers in the Office on January 27, 2006, the Office is unable to provide the requested relief.

With regard to petitioner's argument that the Office failed to provide timely notice that the application was incomplete, petitioner is reminded while the Office attempts to provide applicants any deficiency in sufficient time to permit the applicant to take corrective action, it is under no obligation to do so.[1]

Petitioners' argument that an application serial number and receipt would not have been received unless a complete application had been filed is similarly unpersuasive. The assignment of an application number and issuance of a receipt for papers filed by EFS-Web have no bearing on whether an application is complete for filing date purposes.

Lastly, petitioner's argument that "exigent circumstances" exist due to the EFS system "still displaying unreliability" at the time the application was filed, is not well taken. Applicant, not the Office, is ultimately responsible for the proper and timely filing of his or her application. While the EFS system was designed to assist applicants in avoiding mistakes and omissions in filing applications, the responsibility for filing a complete application remains with the applicant. In other words, it is the responsibility of the applicant, not the USPTO, to ensure that the required documents are attached and uploaded when filing an application via EFS-Web.

In this regard, applicant could have attempted to view the application in Private PAIR, or otherwise contacted the USPTO to

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[1] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

verify that the application papers intended to be filed had in fact been received in the USPTO on January 27, 2006.

While the Office is mindful of petitioner's predicament, petitioner has presented no evidence that the specification for the subject application was filed on January 27, 2006, or on any date prior to June 10, 2008. On June 10, 2008, the specification was received. As such, the application will be accorded a filing date of June 10, 2008.[2]

In the absence of convincing evidence that the specification was filed on January 27, 2006, the petition must be dismissed.

The "Notice" mailed on May 1, 2008, was correct in stating that the specification was missing. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended.[3]

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
401 Dulany Street
Alexandria, VA 22314

---

[2] Although no drawings were filed with the papers received on June 10, 2008, it is noted that the specification includes at least one method claim. 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). It is therefore concluded that drawings are not necessary for the papers filed on June 10, 2008, to be accorded a filing date.

[3] 37 CFR 1.181(f).

The application is forwarded to the Office of Patent Application Processing for further processing with a filing date of June 10, 2008, using the specification filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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APR 24 2006

OFFICE OF PETITIONS

In re Application of :
Ketola et al. :
Application No. 60/743,286 :
Filed: February 14, 2006 : ON PETITION
Attorney Docket No. 61435US002 :

This is a decision on the Petition for Filing Date of Provisional Application, filed March 24, 2005. The petition is properly treated under 37 CFR 1.182.

The application was filed on February 14, 2006. On February 27, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that the drawings are not necessary for an understanding of the subject matter sought to be patented.

Accordingly, the petition is granted.

Applicant is advised that the petition fee has increased to $400.00. As such, the balance of the petition fee, $400.00, has been charged to Applicant's deposit account as authorized in the petition.

The application will be referred to the Office of Initial patent Examination to be accorded the original date of deposit, February 14, 2006, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF MICHAEL P EDDY
MICHAEL P EDDY
12526 HIGH BLUFF DRIVE STE 300
SAN DIEGO CA 92130

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MAR 26 2007

OFFICE OF PETITIONS

In re Application of :
Bob Frey :
Application No. 60/743,428 : ON PETITION
Filed: March 7, 2006 :
Attorney Docket No. 3081-07 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 17, 2007.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the Notice to File Missing Parts of Provisional Application, mailed March 10, 2006. This Notice set an extendable period for reply of two (2) months in which to submit an ADS and a $25 surcharge. No reply having been received, the application became abandoned on May 11, 2006. A Notice of Abandonment was mailed on November 17, 2006.

Petitioner contends that he did timely file an ADS and the $25 surcharge on May 10, 2006.

A review of the matter reveals that petitioner mistakenly filed the ADS and the $25 surcharge for the above application in application no. 60/743,427 instead of application no. 60/743,428.

As set forth in the Manual of Patent Examining Procedure § 724.05:

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Here, apart from the application number, the response did contain the correct identifying information (specifically the attorney docket number and the title of invention). Accordingly, it is concluded that the Office could have determined the correct application file for which the response was intended.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing using the ADS shown to have been filed on May 10, 2006 (copy re-supplied with the instant petition).

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
60/743,940	3/30/06	MICHAEL F. HIGGINS, ET AL.	8831.0073

Title:
PRE-SUBPIXEL RENDERED IMAGE PROCESSING IN DISPLAY SYSTEMS

Art Unit	Paper Number

Correspondence Address:
JUDITH C. BARES
52 CLAREMONT AVE
SANTA CLARA, CA. 95051

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 536,167

Grant Date: 31-Mar-06

Approved:
for Commissioner of Patents and Trademarks

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such aplication or applications.

This license is granted under 37 CFR 5.15(a).

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lesson the responsibility of the licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respecct to certain countries, of other agencies, particularly the Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Adminstration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]

Certificate of Transmission

I hereby certify that this correspondence is being transmitted by facsimile to the USPTO on the following date: March 29, 2006

Judith C. Bares
Printed Name

Judith C Bares
Signature

PATENT

Customer No. 42304
Attorney Docket No. 8831.0073

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael F. HIGGINS et. al.

Application No.: 60/743,940

E-Filing Receipt Date: 03/29/2006

EFS ID: 1014324

For: PRE-SUBPIXEL RENDERED IMAGE PROCESSING IN DISPLAY SYSTEMS

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

Sir:

PETITION FOR FOREIGN FILING LICENSE
UNDER 37 CFR 5.12(b)

Applicants hereby request the grant of a license from the Commissioner for Patents under 35 U.S.C. 184 for filing a patent application disclosing the subject matter in US Provisional Application 60/743,940 in a foreign country.

Attached please find the fee payment under 37 CFR 1.17(g) in the amount of $200.00, payable by credit card, in order to expedite the grant of the license.

Applicants request that the foreign filing license be transmitted by facsimile to Phone Number 707-824-4634, to the attention of the undersigned.

US Provisional Application 60/743,940 was filed electronically on March 29, 2006. A copy of the Acknowledgement Receipt for the eFiled application is attached, in the event it contains information helpful to the prompt grant of the requested license.

Please contact the undersigned by telephone at 707-824-2486 or by email at jbares@clairvoyante.com in the event there are any questions regarding this petition.

Respectfully submitted,

Judith C. Bares

Judith C. Bares Reg. No. 35,824

Dated: March 29, 2006

Attachment: Form PTO-2038: Credit Card Payment Form Authorizing Payment in the amount of $200.

Attachment: E-Filing Acknowledgement Receipt for US Provisional Application 60/743,940

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AUG 0 8 2007

OFFICE OF PETITIONS

In re Application of :
Jiangling Guo :
Application No. 60/743,980 : ON PETITION
Filed: March 30, 2006 :
Attorney Docket No. TTU D-0547 :

This is a decision on the petition filed March 30, 2007, to revive the above identified application under 37 CFR 1.137(b).[1]

The petition is **GRANTED**.

This application became abandoned on July 13, 2006, for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed May 12, 2006, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. Accordingly, the Notice of Abandonment was mailed January 23, 2007.

The Provisional Application Cover Sheet , in the form of an Application Data Sheet surcharge and filing fees, in addition to the requirements under 37 CFR 1.137(b) have been provided and thus, this matter is being forwarded to the Office of Initial Patent Examination for further processing.

Additionally, the record reveals that after the abandonment and with the instant petition to revive, a four month extension of time was filed, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period

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[1] A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

obtainable for reply to avoid abandonment. Accordingly, since the $795.00 extension of time fee submitted with the petition on March 30, 2007 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited back to the credit card used.

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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Alexandria, VA 22313-1450
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TODD R. WILKINSON
243 S. WATER ST.
DECATUR IL 62523-1492

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JUL 0 9 2007

OFFICE OF PETITIONS

In re Application of :
Mayhew :
Application No. 60/744,080 : ON PETITION
Filed: March 31, 2006 :
Attorney Docket No. 20060307A :
For: GEL DISPENSING HAIR BRUSH IN COMBINATION WITH COMB AND MIRROR

This is a decision on the petition under 37 CFR 1.137(a), filed January 26, 2007 (certificate of mailing date January 22, 2007). The petition will be treated under 37 CFR 1.181, as a request that the Office withdraw the holding of abandonment of the above-identified application.

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

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application (Notice), mailed May 4, 2006, which set an extendable period for reply of two (2) months. Having received no extensions of time under 37 CFR 1.136(a) and having received no reply, the Office considered the application abandoned on July 5, 2006. A Notice of Abandonment was mailed on January 11, 2007.

Petitioner alleges that the May 4, 2006 Notice was not received at the correspondence address of record and therefore, the application is not really abandoned. The undersigned finds this assertion completely convincing because the Notice in question was mailed to an incorrect address due to a typographical error in the Office's data entry of practitioner's street address. (It is noted that the data entry error was corrected by the time the January 11, 2007 Notice of Abandonment was mailed.) The May 4, 2006 Notice was returned to the Office on May 15, 2006.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn. Since this petition was granted as a feeless Rule 181 petition, the $250.00 Rule 137(a) petition fee will be refunded via a treasury check that will be scheduled shortly.

Petitioner has submitted a complete reply to the May 4, 2006 Notice in the form of an ADS and a $25.00 surcharge. Therefore, there is no need to re-mail the May 4, 2006 Notice.

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

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

Shirene Willis Brantley

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

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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JUL 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Williams et al.	:	
Application No. 60/744,171	:	DECISION ON PETITION
Filed: April 3, 2006	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: 24862-11482	:	
Title: CREATION, DEVELOPMENT, DELIVERY, AND SUPPORT OF VOICE BASED COMMUNITIES OF USERS ON PUBLIC AND PRIVATE COMMUNICATIONS NETWORKS	:	

This is a decision on the petition filed February 16, 2007, pursuant to 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 April 17, 2006, 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 June 18, 2006. A notice of abandonment was mailed on December 27, 2006.

With the present petition, Petitioner has asserted that a response was submitted electronically on May 16, 2006.

Petitioner has further submitted a copy of this submission, as well as a copy of an electronic Acknowledgement Receipt, which

indicates that a 5 page file entitled "11482_Response_to_Notice_of_Missing_Parts.pdf" and a 2 page Fee Worksheet were received in the Office on May 16, 2006.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted on May 16, 2006.

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 a submission was timely submitted.

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 (OIPE) will be notified of this decision so that the application may receive further processing.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski

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

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United States Patent and Trademark Office
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APR 20 2007

OFFICE OF PETITIONS

Professional Patent Solutions
P.O. BOX 654
HERZELIYA PITUACH 46105 IL ISRAEL

In re Application of :
Noam Amram :
Application No.: 60/744,514 : ON PETITION
Filed: April 10, 2006 :
Attorney Docket No:P-NAM-001-PRV :

This is in response to the petition under 37 CFR 1.137(b) filed March 12, 2007. This is also a decision on petition to expedite under 37 CFR 1.182.

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

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

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application, mailed April 24, 2006. The notice set a shortened 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 allowed period, and the application became abandoned on June 25, 2006. A Notice of Abandonment was mailed on January 3, 2007.

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.

The Notice to File Missing Parts of Provisional Application required a provisional application coversheet under 37 CFR 1.51(c)(1) to be filed. No provisional application coversheet was filed with the instant petition. The renewed petition must be accompanied by the provisional application coversheet to be considered grantable.

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.

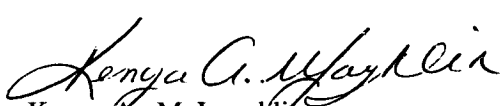
Further correspondence with respect to this matter should be addressed as follows:

By mail:

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

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

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



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Vladimir Sherman
32 B Habarzel St. Ramat-Hachayal
Tel-Aviv 69710 Israel

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OFFICE OF PETITIONS

Professional Patent Solutions
P.O. BOX 654
HERZELIYA PITUACH 46105 IL ISRAEL

In re Application of :
Noam Amram :
Application No.: 60/744,514 : ON PETITION
Filed: April 10, 2006 :
Attorney Docket No:P-NAM-001-PRV :

This is in response to the petition under 37 CFR 1.137(b) filed March 12, 2007. This is also a decision on petition to expedite under 37 CFR 1.182.

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

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

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application, mailed April 24, 2006. The notice set a shortened 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 allowed period, and the application became abandoned on June 25, 2006. A Notice of Abandonment was mailed on January 3, 2007.

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.

The Notice to File Missing Parts of Provisional Application required a provisional application coversheet under 37 CFR 1.51(c)(1) to be filed. No provisional application coversheet was filed with the instant petition. The renewed petition must be accompanied by the provisional application coversheet to be considered grantable.

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.

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

By mail:

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Vladimir Sherman
32 B Habarzel St. Ramat-Hachayal
Tel-Aviv 69710 Israel

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

Professional Patent Solutions
P.O. BOX 654
HERZELIYA PITUACH 46105 IL ISRAEL

In re Application of :
Noam Amram :
Application No.:60/744,514 : ON PETITION
Filed: April 10, 2006 :
Attorney Docket No. P-NAM-001-PRV :

This is in response to the petition under 37 CFR 1.137(b) filed September 10, 2007.

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on April 24, 2006, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). No response was received within allowed period, and the application became abandoned on June 25, 2006. A Notice of Abandonment was mailed on January 3, 2007. A petition under 37 CFR 1.137(b) was first filed March 12, 2007, dismissed by a decision mailed May 20, 2007.

The provisional coversheet is noted.

The provisional application is expired as of April 11, 2007, by operation of law.

Telephone inquiries regarding 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

SYNAPTIC VISION INC.
106 BLEECKER ST.
TORONTO ON M4X-1L8
CANADA

COPY MAILED

JUN 15 2007

OFFICE OF PETITIONS

In re Application of Organ :
Application No. 60/745,113 : Decision on Petition
Filing Date: April 19, 2006 :
For: Sport Curve :

This is a decision on the petition filed January 9, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

A Notice to File Missing Parts of Provisional Application was mailed April 26, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice.

The Office did not receive a reply to the Notice to File Missing Parts. As a result, the application became abandoned as of midnight on June 26, 2006.

A Notice of Abandonment was mailed January 3, 2007.

The instant petition was filed January 9, 2007. Petitioner contends the Notice to File Missing Parts was never received. Petitioner states the Notice of Abandonment was received.

Petitioner states, if the Notice to File Missing Parts had been received, it would currently be,
(1) on his desk,
(2) in an appropriate file folder stored within his desk, or
(3) in an appropriate file folder within his computer.

Petitioner states only one other piece of mail has been "lost" by either the USPS or petitioner during the past two years.

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed and delivered to the address of record. In order to overcome this presumption, a petition alleging non-receipt of an Office action must:
(1) include a statement from the inventor stating that the Office action was not received,
(2) attest that a search of the file jacket has been made,
(3) attest that a search of all relevant docket records has been made,

(4) include a copy of the docket record where the Office action would have been entered had it been received, and
(5) include any additional information which may be required by the Commissioner.
See MPEP 711.03(c)(I).

As to item (2) and (3), petitioner has not explicitly stated that petitioner has searched the file jackets within his desk or computer to ensure the Notice is not in either location. Since the application is a provisional application, requiring petitioner to supply an explicit statement will not delay prosecution of the application.

As to item (4), petitioner must provide a copy of any papers that would indicate receipt of the Notice if it had been received. Examples of such papers include, but are not limited to,

(A) Mail logs,
(B) A copy of the front of a file jacket where papers associated with the application are kept if each paper received is noted on the file jacket, and
(C) A printout of a computer calendar that would indicate the due date for the Notice if it had been received.

As a courtesy, a copy of the Notice to File Missing Parts is attached. Petitioner may wish to include a reply to the Notice with any request for reconsideration of the instant decision.

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

Attached: Copy of Notice of Missing Parts mailed April 26, 2006

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
60/745,113	04/19/2006	Bryan Organ	

CONFIRMATION NO. 9556

60959
SYNAPTIC VISION INC.
106 BLEECKER ST.
TORONTO, ON M4X-1L8
CANADA

FORMALITIES LETTER

Date Mailed: 04/26/2006

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 provisional application cover sheet under 37 CFR 1.51(c)(1), which may be an application data sheet (37 CFR 1.76), is required identifying:
  - either city and state or city and foreign country of the residence of each inventor.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(g) of $25 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

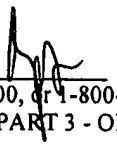
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$25** for a Small Entity

- **$25** Surcharge.

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

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COMMISSIONER FOR PATENTS
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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JUL 12 2007

OFFICE OF PETITIONS

In re Application of :
Sandra Boom, et al. :
Application No. 60/745,229 : ON PETITION
Filed: April 20, 2006 :
Attorney Docket No. RD2583USPSP1 :

This is a decision on the petition under 37 CFR 1.137(b), filed by January 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed April 26, 2006. The notice set a two-month period to respond and required (1) a provisional application cover sheet under 37 CFR 1.51(c)(1), or an Application Data Sheet (ADS) identifying either the city and state or city and foreign country of the residence of each inventor and (2) the surcharge as set forth in 37 CFR 1.16(g) of $50. A Notice of Abandonment was mailed on June 27, 2006. On January 31, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply including the $50 surcharge; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of April 26, 2006 is accepted as being unintentionally delayed.

Subject to the provisions of 35 U.S.C. § 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

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

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

DB LABORATORIES, LLC
P.O. BOX 39
STITES ID 83552

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AUG 21 2007

OFFICE OF PETITIONS

In re Application of :
Duncan et al. :
Application No. 60/745,405 : ON PETITION
Filed: 04/23/2006 :
Title: MIXTURE COMPOSITION AND :
METHOD USEFUL FOR TOPICAL AND :
INTERNAL APPLICATION :

This is decision on the petition under 37 CFR 1.137(b), filed February 28, 2007, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Provisional Application, mailed May 9, 2006, which set a two-month period to reply. Extensions of time for response were available under 37 CFR 1.136(a). The above-identified application became abandoned on July 10, 2006. On January 12, 2007, the Office mailed a Notice of Abandonment. On February 28, 2007, petitioner submitted the present petition, petition fee, surcharge, and provisional coversheet. However, the petition was signed by only one of the joint inventors, David Daniel Bernhard.

37 CFR 1.33(b) states in pertinent part:

> 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 patent practitioner of record appointed in compliance with § 1.32(b);
>
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of
> § 1.34(a);
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or

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

The Office records do not indicate that applicants, Bernhard or Duncan, filed a power of attorney in the present application or assigned their interests. Therefore, all of the applicants must sign a petition in a joint application where the applicants have not given power of attorney to a registered attorney or agent.

In the present case, only inventor Bernhard signed the petition. There is no indication that inventor Duncan gave power of attorney to Bernhard to prosecute the application on his behalf. Accordingly, the petition is not properly signed by a person having authority to prosecute the application without the signature of the other inventor.

Therefore, the petition is dismissed. The Office will not render a decision on the present petition and the application will remain abandoned, until a "renewed" petition under 37 CFR 1.137(b) is filed and signed by a person(s) having authority to prosecute the application (e.g., signed by both inventors Bernhard and Duncan). Petitioner does not need to resubmit the petition fee or the reply (provisional cover sheet and surcharge), as they are already of record.

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

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

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

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DB LABORATORIES, LLC
P.O. BOX 39
STITES ID 83552

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DEC 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Duncan et al. :
Application No. 60/745,405 : ON PETITION
Filed: 04/23/2006 :
Title: Mixture Composition and Method Useful :
for Topical and Internal Application :

This is decision on the renewed petition under 37 CFR 1.137(b), filed September 10, 2007, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Provisional Application, mailed May 9, 2006, which set a two-month period to reply. Extensions of time for response were available under 37 CFR 1.136(a). The above-identified application became abandoned on July 10, 2006. On January 12, 2007, the Office mailed a Notice of Abandonment. On February 28, 2007, petitioner submitted the original petition, the petition fee, surcharge, and a provisional coversheet. However, the petition was signed by only one of the joint inventors. Thus, the petition was dismissed. On September 10, 2007, petitioner filed the present renewed petition signed by both joint inventors.

The renewed petition is **GRANTED**.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a provisional cover sheet and surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

[1] An applicant may petition to have an abandoned provisional application revived as a pending provisional application for a period of no longer than 12 months from the filing date of the provisional application where the delay was unavoidable or unintentional.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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AUG 31 2006

OFFICE OF PETITIONS

In re Application of :
Ellis-Behnke :
Application No. 60/745,601 : DECISION ON PETITION
Filed: April 25, 2006 : TO WITHDRAW
Attorney Docket No. MIT 12061 : 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 May 4, 2006

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, file is being transferred to Fish & Richardson, P.C., does not 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 April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Lee Crews, Ph.D
Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110-2804

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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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OCT 31 2006

OFFICE OF PETITIONS

In re Application of :
Rutledge Behnke-Ellis, et al. :
Application No. 60/745,601 : DECISION ON PETITION
Filed: April 25, 2006 : TO WITHDRAW
Attorney Docket No. MIT 12061 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 3, 2006.

The request is **APPROVED**.

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

The request was signed by Rivka D. Monheit on behalf of all attorneys of record who are associated with customer No. 23579.

All attorneys/agents associated with the Customer Number 23579 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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 April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RUTLEDGE BEHNKE-ELLIS
80 WALNUT STREET
#106
CANTON, MA 02021

cc: LEE CREWS, PH.D.
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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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/745,601	04/25/2006	Rutledge Behnke-Ellis	MIT 12061

CONFIRMATION NO. 2131

OC000000021031519

OC000000021031519

23579
PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE
SUITE 1200
ATLANTA, GA 30361

Date Mailed: 10/30/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/03/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

April M Wise

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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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PARSONS HSUE & DE RUNTZ LLP
595 MARKET STREET
SUITE 1900
SAN FRANCISCO CA 94105

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JUN 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Cuellar, et al. :
Application No. 60/745,813 : ON PETITION
Filed: April 27, 2006 :
Attorney Docket No. SNDK.500US0 :
For: CREDIT CARD SIZE USB FLASH DRIVE

This is a decision on the petition under 37 CFR 1.183 to change the filing date accorded to the above-identified application.

The petition is **dismissed**.

Until the $400.00 fee associated with filing a petition to the Director under 37 CFR 1.183 is submitted, the merits of the petition will not be addressed.

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
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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

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JUL 10 2006

OFFICE OF PETITIONS

In re Application of :
Cuellar, et al. :
Application No. 60/745,813 : ON PETITION
Filed: April 27, 2006 :
Attorney Docket No. SNDK.500US0 :
For: CREDIT CARD SIZE USB FLASH DRIVE

This is a decision on the reconsideration petition under 37 CFR 1.183 to change the filing date accorded to the above-identified application.

The petition is **dismissed**.

The above-identified application was submitted by facsimile transmission on April 26, 2006. On April 27, 2006, applicants became aware that filing a provisional application by facsimile was prohibited. Therefore, Applicants filed the above-identified application by EFS on April 27, 2006. Petitioners request that the Office recognize a April 26, 2006 filing date for the above-identified application.

The situations where transmissions by facsimile are prohibited are identified in 37 CFR 1.6(d)(1)-(9). Prohibitions cover situations where originals are required as specified in 37 CFR 1.4(e) and (f), and situations where accepting a facsimile transmission would be unduly burdensome on the Office. ... Senders are cautioned against submitting correspondence by facsimile transmission which is not permitted under 37 CFR 1.6(d) since such correspondence will not be accorded a receipt date. MPEP 502.01

Petitioners request waiver of 37 CFR 1.6(d)(3) and 37 CFR 1.8(a)(2)(1)(A), which together prohibit facsimile transmission of correspondence with the purpose of obtaining an application filing date.

For grant of the relief sought in a petition under 37 CFR 1.183, petitioners must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Petitioners have stated on the record that applicants were unaware that filing an application via facsimile transmission was prohibited.

Circumstances resulting from applicants' failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of extraordinary relief. *See* In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); In re Bird & Son, Inc. 195 USPQ 586, 588 (Comm'r Pats. 1977); Huston v. Ladner, 23 USPQ2d 1910 (Fed. Cir. 1992); Vincent v. Mossinghoff, 230 USPQ 621, 625 (D.D.C. 1985).

The petition under 37 CFR 1.183 to accord an April 26, 2006 filing date to application no. 60/745,813 is **dismissed**. The filing date of application no. 60/745,813 remains April 27, 2006.

The application is being 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

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MINNEAPOLIS, MN 55402-1630

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Wilfrido Castaneda :
Application No. 60/745,854 :
Filed: April 27, 2006 :
Attorney Docket No. 108.001USP1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 16, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 17, 2006.

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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OFFICE OF PETITIONS

In re Application of :
James B. Klassen :
Application No. 60/746,026 : ON PETITION
Filed: April 29, 2006 :
Attorney Docket No. 433-4 :

This is a decision on the petition under 37 CFR 1.137(b), filed by February 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed May 17, 2006. The notice set a two-month period to respond and required (1) a provisional application cover sheet under 37 CFR 1.51(c)(1), or an Application Data Sheet (ADS) identifying either the city and state or city and foreign country of the residence of each inventor and (2) the surcharge as set forth in 37 CFR 1.16(g) of $25. A Notice of Abandonment was mailed on July 20, 2006. On February 28, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an ADS and the $25 surcharge; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of May 17, 2006 is accepted as being unintentionally delayed.

Subject to the provisions of 35 U.S.C. § 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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ARLINGTON VA 22202

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of :
Klassen, James Brent :
Application No. 60/746,033 : ON PETITION
Filed: April 29, 2006 :
Attorney Docket No. 433-4 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 28, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Application Data Sheet and payment of the statutory basic filing fee and 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.

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 April 29, 2007, when it went abandoned as a matter of law.

Liana Walsh
Petitions Examiner
Office of Petitions

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BOISE ID 83701-0877

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OFFICE OF PETITIONS

In re Application of	:	
Klassen, James Brent	:	
Application No. 60/746,034	:	ON PETITION
Filed: April 29, 2006	:	
Attorney Docket No. KLAS104	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 27, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Application Data Sheet, 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 April 29, 2007, when it went abandoned as a matter of law.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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CHICAGO, IL 60603-3406

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OFFICE OF PETITIONS

In re Application of :

TYAGARAJAN, et al. :
Application No. 60/746,054 : DECISION ON PETITION
Filed: May 1, 2006 : TO WITHDRAW
Attorney Docket No. 86310/8143 : 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 August 23, 2006.

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 request cannot be approved because the request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. No address information for inventors of record could be found. The request must provide either (1) or (2) above to be approved. This is because a withdrawing attorney may not designate a correspondence address for an application to other than an inventor or intervening assignee.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **Biotechnology Law Group**
527 N. Highway 101, Suite E
Solana Beach, CA 92075

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Paper No.

STEVEN D. JONES
804 AVALON AVENUE
LAFAYETTE CA 94549

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NOV 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Steven Jones : DECISION ON PETITION
Application No. 60/746,057 :
Filed: May 1, 2006 :
Title: A NOVEL METHOD FOR :
IMPLEMENTING MULTIPLE ARTICLE :
VERSIONS AND USER CLASSES :
WITHIN A COLLABORATIVE :
SOFTWARE ENVIRONMENT :

This is a decision on the "Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181" filed February 7, 2007.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed May 17, 2006. The Notice set a two-month time limit for applicant to file a cover sheet under 37 CFR 1.51(c)(1) identifying either city and state or city and foreign country of the residence of each inventor. No response was filed and no extension of time obtained. Accordingly, the above-identified application became abandoned on July 18, 2006. A Notice of Abandonment was mailed on January 23, 2007.

In response, applicant timely filed the instant petition. Applicant requests the holding of abandonment be withdrawn based on included evidence that a reply was timely mailed. In support thereof, applicant submits a copy of the original provisional patent application stating that it had a cover sheet with inventors and inventors addresses.

Applicant's argument has been considered, but is not found to be persuasive. This application became abandoned for failure to

respond to the Notice mailed May 17, 2006. Applicant has not submitted any evidence to show that a response to the Notice was timely filed. The papers submitted on filing of the application, and thus, prior to the mailing of the Notice, were not filed in response to the Notice. To avoid abandonment, an applicant must timely and properly respond to any Notice sent by the Office within the time period set for reply in the Notice. In this instance, instead of waiting until the application was abandoned, applicant should have timely responded stating that the application as filed had a cover sheet with inventors and inventors' addresses.

Applicant is not precluded from filing a petition to revive under 37 CFR 1.137(a) or (b) (See requirements of 1.137 on Notice of Abandonment mailed January 23, 2007).

As stated in 37 CFR 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. In other words, a provisional application may be abandoned prior to 12 months from its filing date for failure to reply to an Office requirement (e.g., failure to submit the filing fee and/or cover sheet). Applicant may petition to have an abandoned provisional application revived as a pending provisional application for a period of no longer than 12 months from the filing date of the provisional application where the delay was unavoidable or unintentional. It would be permissible to file a petition for revival later than 12 months from the filing date of the provisional application but only to revive the application for the 12-month period following the filing of the provisional application. Thus, even if the petition were granted to establish the pendency up to the end of the 12-month period, the provisional application would not be considered pending after 12 months from its filing date.

Applicant is further reminded that papers filed in this application must be signed by all of the inventors. The inventorship of record has been corrected to include inventor Nathan Jones, who was named on the provisional patent application received on filing.

The petition under § 1.181 is **DISMISSED**.

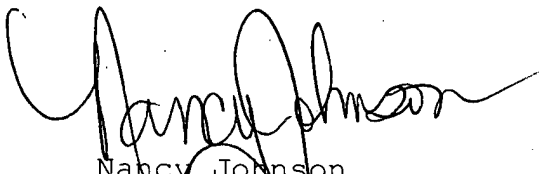
Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicant may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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JUN 05 2007

OFFICE OF PETITIONS

In re Application of :
Tony Courtney : DECISION ON PETITION
Application No. 60/746,102 :
Filed: May 1, 2006 :
Attorney Docket Number: **200601** :

This is a decision on the petition under 37 CFR 1.137(a), filed January 31, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on May 12, 2006, for failure to timely respond to the Notice to File Missing Parts mailed May 19, 2006 and which set a two (2) month period for reply. Accordingly, a Notice of Abandonment was mailed January 23, 2007.

Petitioner asserts unavoidable delay in responding to the Notice to File Missing Parts because of what amounts to non-receipt of the Notice and lack of knowledge.

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

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

> filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
> (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. [2]

Petitioner has not presented any evidence to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), as petition has not proven non-receipt.

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

It is understood that the applicant was a pro se applicant, but the applicant would still be responsible for the proper prosecution of his application and therefore must be held accountable for his actions, or lack thereof, before the Office. There are numerous resources available to petitioner, as to the others who have chosen this path of prosecution, to obtain the necessary information to prosecute the application before the Office and petitioner's explanation that the applicant lacked information and notice, is unacceptable as a basis for unavoidable delay under 37 CFR 1.137(a). 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.[3]

Finally, there is no indication however that petitioner Martin Faier was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A copy of this decision is being mailed to petitioner as a courtesy, however, no future correspondence will be directed to the petitioner until such time as appropriate instructions are received to the contrary.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b)[4], which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire

---

[3]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).

[4]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)(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)).

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).

It should be noted that if petitioner chooses to file a petition under the unintentional standard the fees due would be $1500.00 for a large entity and $750.00 for a small entity and the fees submitted with the instant petition cannot be applied as petitioner has already received consideration under the unavoidable standard.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
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566 W. ADAMS STREET
SUITE 600
CHICAGO, IL 60661

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BOISE ID 83701-0877

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OFFICE OF PETITIONS

In re Application of	:	
Klassen, James Brent	:	
Application No. 60/746,137	:	ON PETITION
Filed: May 1, 2006	:	
Attorney Docket No. 433-4	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 27, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Application Data Sheet, 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 May 1, 2007, when it went abandoned as a matter of law.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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136 WEST SECOND STREET
RENO NV 89501

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OFFICE OF PETITIONS

In re Application of	:	
Joseph Hyman Braverman	:	DECISION ON PETITION
Application No. 60/746,347	:	TO MAKE SPECIAL
Filed: May 3, 2006	:	37 CFR 1.102(C)
Title: A System for Direct Voter Participation In Government	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 10, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED AS MOOT**.

As stated in MPEP 708.02(a)(1), a new application may be granted accelerated examination status based on the age of the applicant. However, the application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a). The instant application is a provisional application and thus is not entitled to accelerated examination. Further, a provisional application will automatically be abandoned 12 months after its filing date and will not be subject to revival to restore it to pending status thereafter. See 35 U.S.C. 111(b)(5). The instant application expired as a matter of law on May 3, 2007.

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

By Mail:	Mail Stop PETITION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By FAX:	(571) 273-8300

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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In re Application of :
Susan Amadio et al :
Application No. 60/746,559 : DECISION ON PETITION
Filed: May 5, 2006 :
Attorney Docket No. 00782-2152 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 2, 2007, to revive the above-identified application. *See* 37 CFR 1.137(g).

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 19, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on December 20, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an Application Data Sheet, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of May 19, 2006 is accepted as being unintentionally delayed.

Petitioner is advised that a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

This application is being referred to the Office of Initial Patent Examination for further processing as the nature of the case may require.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/746,684	05/08/2006	Wayne L. Thornton	

CONFIRMATION NO.

Todd Grinspoon
117 Fox Trail Terrace
Gaithersburg, MD 20878

Date Mailed: 08/21/2007

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/06/2006,** 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 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.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

PART 3 - COPY TO BE RETURNED WITH RESPONSE

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

MITCHELL SILBERBERG & KNUPP, LLP
11377 WEST OLYMPIC BOULEVARD
LOS ANGELES, CA 90064

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of :
Paul **KAUFMAN** :
Application No. 60/746,818 :
Filed: May 9, 2006 :
Attorney Docket No. **31045-131** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application mailed May 22, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 23, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a provisional cover sheet and surcharge fee of $50; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to the Office of Patent Application Processing for the completion of the pre-examination process commiserate with this decision.

Telephone inquiries concerning the status or examination of this application should be directed to the Office of Patent Application Processing at (517) 272-4000.

Inquiries regarding this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **JOSEPH G. SWAN**
1334 PARKVIEW AVENUE, SUITE 100
MANHATTAN BEACH, CA 90266

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

Rick Dula
1994 Fairforest Drive
Fayetteville NC 28304

COPY MAILED

DEC 1 1 2007

OFFICE OF PETITIONS

In re Application of
Rick Dula
Application No. 60/747,669

ON PETITION

This is a decision on the petition filed October 24, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office requires payment of a fee on filing each petition to revive an abandoned application based on unintentional or unavoidable delay. In this instance, the fee required by law is $255 for unavoidable delay or $770 for unintentional delay.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

It is noted that applicant's petition includes some forms for petition to revive under 37 CFR 1.137(a) and (b) and it is thus unclear whether applicant's petition for revival was for unavoidable or unintentional abandonment.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the Carl Friedman at (571) 272-6842.

David Bucci
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

OSTRAGER CHONG FLAHERTY & BROITMAN PC
570 LEXINGTON AVENUE
FLOOR 17
NEW YORK NY 10022-6894

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Jason Ferro	:	
Application No. 60/747,841	:	DECISION GRANTING PETITION
Filed: May 22, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. BD-P1-PRV	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 21, 2007, 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 required fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application of June 1, 2006, is accepted as having been unintentionally delayed.

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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Phoebe Legere
224 E. 10th St
New York, NY 10003

COPY MAILED
JUL 07 2008

In re Application of :
Phoebe Hemenway Ledger :
Application No. 60/747,898 : ON PETITION
Filed: May 22, 2006 :
Attorney Docket No. N/A :

This is in response to the petition filed February 26, 2007, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

On June 1, 2006, the Office mailed a Notice to File Missing Parts of Provisional Application (Notice), which set a two month shortened statutory period to reply. The application became abandoned on August 2, 2006, for failure to submit a timely response to the Notice. On February 12, 2007, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

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.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date

for the Notice of June 1, 2006, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after June 1, 2006, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to correspondence from the Office, and where petitioner would have entered the receipt date of the Notice had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Notice, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after June 1, 2006; the period when he would have received the Notice.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Notice accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$770.00 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 was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $770.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through

Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision should be submitted within **two (2) months** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Office action dated June 1, 2006.

PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature

_____ Date

_____ Typed or printed name

_____ Registration Number, if applicable

_____ Address

_____ Telephone Number

_____ Address

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date

_____ Signature

_____ Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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
60/747,898	05/22/2006	Phoebe Hemenway Ledger	

CONFIRMATION NO. 9745

Phoebe Legere
224 E. 10th St
New York, NY 10003

FORMALITIES LETTER

Date Mailed: 06/01/2006

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 provisional application cover sheet under 37 CFR 1.51(c)(1), which may be an application data sheet (37 CFR 1.76), is required identifying either city and state or city and foreign country of the residence of each inventor and the name(s) of the inventor(s).

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(g) of $25 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$25** for a Small Entity

- **$25** Surcharge.

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.

ANDY DIEP

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

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

THOMAS GAASENBEEK
#33-2280 MUNN'S AVENUE
OAKVILLE, L6H 3L1 CA CANADA

COPY MAILED

AUG 10 2007

OFFICE OF PETITIONS

In re Application of :
Gaasenbeek, Thomas :
Application No. 60/747,937 : ON PETITION
Filed: May 22, 2006 :
Attorney Docket No. 086 TG-05-US :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 25, 2007, to revive the above-identified application.

The petition is **DISMISSED AS MOOT.**

The Notice to File Missing Parts of Provisional Application mailed on June 1, 2006 was withdrawn on February 12, 2007. A new Notice to file Missing Parts of Provisional Application was issued the same day, February 12, 2007, which set a new two-month period for reply.

Petitioner is still able to purchase extensions of time, up to five (5) months, which would extend the period for reply to September 12, 2007. Accordingly, the petition to revive is premature. Should petitioner not reply by September 12, 2007, a petition will be necessary.

Further, petitioner has not properly replied to the Notice mailed February 12, 2007. The Notice required submission of a provisional application cover sheet, along with a $25.00 surcharge. A copy of the Notice is enclosed for petitioner's convenience.

Since the petition is unnecessary at this time, the petition fee will be refunded via treasury check in due course.

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Notice to File Missing Parts of Provisional Application

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
60/747,937	05/22/2006	Thomas Gaasenbeek	086 TG-05-US

CONFIRMATION NO. 9879

Thomas Gaasenbeek
#33-2280 Munn's Avenue
Oakville, L6H 3L1
CANADA

FORMALITIES LETTER

Date Mailed: 02/12/2007

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 provisional application cover sheet under 37 CFR 1.51(c)(1), which may be an application data sheet (37 CFR 1.76), is required identifying either city and state or city and foreign country of the residence of each inventor and the name(s) of the inventor(s).

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee or cover sheet) as set forth in 37 CFR 1.16(g) of $25 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is $25 for a small entity

- **$25** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/R138/

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
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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
60/748,235	12/07/2005		200	1170/44176/146	11		

CONFIRMATION NO. 1628

CORRECTED FILING RECEIPT

OC000000018087567

00279
TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO, IL 60603

Date Mailed: 02/21/2006

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

Applicant(s)

Jonathan David Harwood, Auckland, NEW ZEALAND;
Hugh Griffith Johnson, Auckland, NEW ZEALAND;
Geoffrey Alan Lee, Auckland, NEW ZEALAND;
Gregory Paul Hill, Auckland, NEW ZEALAND;
Anna Kathryn Duncan, Auckland, NEW ZEALAND;
Adrian Anthony Sargeant, Queensland, AUSTRALIA;

Power of Attorney: The patent practitioners associated with Customer Number **00279**.

If Required, Foreign Filing License Granted: 01/10/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/748,235

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Washing machines

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
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Alexandria, VA 22313-1450
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SEATTLE BIOMEDICAL RESEARCH INSTITUTE
ATTN: KAREN BLOCHLINGER
307 WESTLAKE AVENUE N.
SUITE 500
SEATTLE WA 98109-5219

COPY MAILED

DEC 2 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Kappe et al.	:	
Application No. 60/748382	:	
Filing or 371(c) Date: 12/08/2005	:	DECISION
Attorney Docket Number:	:	ON PETITION
Kappe 8dec05	:	

This is a decision on the "Petition to Correct Application Filing Date for 'Date-In' Incorrectly Entered or Omitted on Express Mail Label Under (37 C.F.R. § 1.10(d))", filed September 29, 2006, requesting that the above-identified application be accorded a filing date of December 8, 2005, rather than the presently accorded filing date of December 7, 2005.

Petitioner alleges that the application was deposited in Express Mail service on December 8, 2005. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that December 8, 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 December 8, 2005, and for the mailing of a corrected filing receipt.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BAKER & BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

COPY MAILED

JAN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Cipolli et al.	:	
Application No. 60/748,437	:	ON PETITION
Filed: December 8, 2005	:	
Attorney Docket No. 076569.0119	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 10, 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 (Notice) mailed January 17, 2006. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on March 18, 2006. A Notice of Abandonment was mailed on September 27, 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.

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 $1080.00 extension of time fee submitted with the petition on October 10, 2006, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

A provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until December 8, 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 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
60/748,444	12/08/2005		100	XDATA-001Xq800			

CONFIRMATION NO. 3381

CORRECTED FILING RECEIPT

OC000000018025650

00207
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Date Mailed: 02/09/2006

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)

Thomas D. Kraus, Newtonville, MA;
Michael W. Kleeman, Sudbury, MA;

Power of Attorney:

Stanley Schurgin--20979
Charles Gagnebin III--25467
Victor Lebovici--30864
Beverly Hjorth--32033
Thomas Hoover--32470
Holliday Heine--34346
Gordon Moriarty--38973
Richard Gamache--39196

If Required, Foreign Filing License Granted: 01/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/748,444

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

Pipelined data aggregation/reduction network

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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BIOTECHNOLOGY LAW GROUP
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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DEC 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Gamelin :
Application No. 60/748,644 : DECISION
Filed: 7 December, 2005 :
Attorney Docket No. GTI-6000-PV :

This is a decision on the petition filed on 24 October, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment.

The petition to withdraw the holding of abandonment under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners are directed to the Commentary at MPEP §711.03(c) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to file Missing Parts (fees, surcharge) mailed on 14 February, 2006, with reply due absent extension of time on or before 14April, 2006.

The application went abandoned by operation of law after midnight 14 April, 2006.

The Office mailed the Notice of Abandonment on 29 September, 2008.

On 24 October, 2008, with a petition under 37 C.F.R. §1.181, averring timely filing, and included therewith what is averred to be a true copy of a timely filed reply and a date-stamped (3 August, 2006) receipt card

Notably Petitioner did not request and pay a fee for a extension of time by which to make the reply timely.

However, Petitioner's reply contained not only a date of "April 14, 2006," but also a Transmittal Form that included in its contents the fees and papers submitted, along with a signed and dated certificate of mailing pursuant to 37 C.F.R. §1.8.

Thus, while the reply was not considered timely filed, it is considered timely submitted—and without a request and fee for extension of time.

While Petitioner's reply was filed after the due date, it nonetheless was and is considered timely submitted under the rule, and so Petitioner has made the showing in support an averment of timely reply as required and set forth in the guidance in the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

> ***
>
> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered

> into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.
>
> ***

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

More particularly, the Office has set forth in the Commentary at MPEP §711.03(c) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory showing of the requirements under the Rule.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 29 September, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ROCHE PALO ALTO LLC
PATENT LAW DEPT. M/S A2-250
3431 HILLVIEW AVENUE
PALO ALTO CA 94304

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APR 25 2006
OFFICE OF PETITIONS

In re Application :
Gong, et al. :
Application No. 60/748,799 : ON PETITION
Filed: December 9, 2005 :
Attorney Docket No. R0257A-PRO
For: PROPIONAMIDE COMPOUNDS AS
ANTIINFLAMMATORY AGENTS

This is a decision on the petition under 37 CFR 1.182, filed March 24, 2006, to correct the name of the third listed inventor.

The petition is **GRANTED**.

The third named inventor will be changed from "Claudia Tan" to "Yun-chou Tan". A replacement filing receipt reflecting this change is enclosed.

The current fee for filing a petition under 37 CFR 1.182 is $400.00. Pursuant to petitioners' authorization, deposit account no. 18-1700 will be charged $400.00.

The file is being returned to the Office of Intial Patent Examination.

Telephone inquiries concerning this matter may 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

enclosure: replacement filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ROCHE PALO ALTO LLC
PATENT LAW DEPT. M/S A2-250
3431 HILLVIEW AVENUE
PALO ALTO CA 94304

COPY MAILED
APR 26 2006
OFFICE OF PETITIONS

COPY MAILED
APR 25 2006
OFFICE OF PETITIONS

In re Application :
Gong, et al. :
Application No. 60/748,799 : ON PETITION
Filed: December 9, 2005 :
Attorney Docket No. R0257A-PRO
For: PROPIONAMIDE COMPOUNDS AS ANTIINFLAMMATORY AGENTS

This is a decision on the petition under 37 CFR 1.182, filed March 24, 2006, to correct the name of the third listed inventor.

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E Shirene Willis

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

enclosure: replacement filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DFW Aug-06

ROCHE PALO ALTO LLC
PATENT LAW DEPT. M/S A2-250
3431 HILLVIEW AVENUE
PALO ALTO CA 94304

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AUG 0 7 2006
OFFICE OF PETITIONS

In re Application of	:	
Gong et al.	:	
Application No. 60/749,180	:	ON PETITION
Filed: 9 December, 2005	:	
Atty Dckt R0215A-PRO	:	

This is a decision on the paper filed on 24 March, 2006, which is treated as a petition under 37 CFR 1.182, to correct the third named inventor's name.

The petition is **GRANTED**.

The inventor's name has been corrected from "Claudia Tan" to "Yun-chou Tan"

Office PALM records have been corrected to reflect the correct inventors' names. A corrected Filing Receipt is attached.

A petition fee of $400.00 is due and has been charged to counsel's deposit account.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROWN & MICHAELS, PC
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA NY 14850

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FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Chad Byron Moore :
Application No. 60/749,446 : ON PETITION
Filed: December 12, 2005 :
Title of Invention: Electrode :
Addressing Plane in an Electronic :
Display :

This is a decision on the "Petition in Response to Notice of Omitted Items" filed on January 27, 2006, which is being treated as a petition to accept drawings figures 8A and 8B as part of the original disclosure received in the Office on December 12, 2005.

Application papers in the above-identified provisional application were filed on December 12, 2005. However, on January 19, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in Provisional Application ",stating that the application had been accorded a filing date of December 12, 2005 and advising applicant that figures 8A and 8B as described in the specification appeared to have been omitted.

In response, on January 27, 2006, applicant filed the present petition with a statement from paralegal Justin Wood. Additionally, applicant submitted a copy of seven (7) sheets of drawings. Petitioner argues seven sheets of drawings including figures 8A and 8B were submitted on December 12, 2005.

The evidence has been considered but it is not persuasive. A review of the official file confirms the Office did not receive figures 8A and 8B as described in the specification on December 12, 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 which

are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

The assertions of Justin Wood that seven sheets of drawings including figures 8A and 8B were submitted on December 12, 2005 are not persuasive. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of evidence. The statement relies upon the declarant's recall of routine events which occurred a month earlier and are not more persuasive than the record of what was filed as shown in the official file.

The "Notice" mailed January 19, 2006, was correct in advising applicant that figures 8A and 8B appeared to have been omitted. Therefore, the "Notice" was properly mailed.

The petition fee will not be refunded as the petition was not necessitated by USPTO error.

The drawings containing figures 8A and 8B submitted January 27, 2006 will **not** be entered.

The application will maintain a filing date of **December 12, 2005** using the application papers deposited on that date.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Paper No.

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

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APR 25 2006
OFFICE OF PETITIONS

In re Application of	:	
Eben Rosenthal	:	
Application No. 60/749,552	:	ON PETITION
Filed: December 12, 2005	:	
Attorney Docket No. 23976-0006	:	

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION AND PETITION FOR GRANT OF FILING DATE DUE TO INFORMALITIES REQUIREMENT," filed February 28, 2006.

On February 14, 2006, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application," stating that the application papers deposited December 12, 2005 had not been accorded a filing date because the application was deposited without drawings.

In response, applicant filed the instant petition. Applicant states that drawings are not necessary for the understanding of the subject matter to be patented, but rather are exemplary of certain experimental results related to the invention. However, applicant encloses 2 sheets of drawings (Figs. 1-4).

RELEVANT STATUTES, REGULATIONS AND PRACTICE

35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications. See MPEP § 601.01(f).

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

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

And, MPEP § 601.01(g) further provides that:

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

37 CFR 1.53(c) provides that:

> No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.

In regard to late submission of omitted drawings in a provisional application, MPEP 601.01(d) provides that:

> [I] In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

DISCUSSION

Applicant states that drawings are not necessary for the understanding of the subject matter sought to be patented in this provisional application. A review of the application as filed reveals that it included at least one method claim. Based on applicant's contention and the subject matter of the invention, it is concluded that it is appropriate to treat this application as one in which drawings are not necessary to accord a filing date.

As the specification in the instant provisional application contained references to drawing figures (Figs. 1-4), 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 being refunded to Deposit Account No. 19-5029, as authorized.

The provisional application will be accorded a filing date of December 12, 2005 with no drawings as a part of the original disclosure of the application.

Pursuant to 37 CFR 1.53(c), prohibiting amendments in provisional applications, the drawings submitted on petition will not be entered in the application. If applicant desires that these drawings be a part of the disclosure of a provisional application, applicant should simply file a new completed provisional application (and, thereby, accept a later filing date for the disclosure).

The drawings filed February 28, 2006 will not be entered.

CONCLUSION

The petition is **GRANTED** to the extent that the provisional application will be accorded a filing date of December 12, 2005 with no drawings as a part of the original disclosure of the application.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for further processing **with a filing date of December 12, 2005** and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

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In re Application of :
Eben Rosenthal :
Application No. 60/749,552 : ON PETITION
Filed: December 12, 2005 :
Attorney Docket No. 23976-0006 :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION AND PETITION FOR GRANT OF FILING DATE DUE TO INFORMALITIES REQUIREMENT," filed February 28, 2006.

On February 14, 2006, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application," stating that the application papers deposited December 12, 2005 had not been accorded a filing date because the application was deposited without drawings.

In response, applicant filed the instant petition. Applicant states that drawings are not necessary for the understanding of the subject matter to be patented, but rather are exemplary of certain experimental results related to the invention. However, applicant encloses 2 sheets of drawings (Figs. 1-4).

RELEVANT STATUTES, REGULATIONS AND PRACTICE

35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications. See MPEP § 601.01(f).

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

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

And, MPEP § 601.01(g) further provides that:

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

37 CFR 1.53(c) provides that:

> No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.

In regard to late submission of omitted drawings in a provisional application, MPEP 601.01(d) provides that:

> [I] In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

DISCUSSION

Applicant states that drawings are not necessary for the understanding of the subject matter sought to be patented in this provisional application. A review of the application as filed reveals that it included at least one method claim. Based on applicant's contention and the subject matter of the invention, it is concluded that it is appropriate to treat this application as one in which drawings are not necessary to accord a filing date.

As the specification in the instant provisional application contained references to drawing figures (Figs. 1-4), 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 being refunded to Deposit Account No. 19-5029, as authorized.

The provisional application will be accorded a filing date of December 12, 2005 with no drawings as a part of the original disclosure of the application.

Pursuant to 37 CFR 1.53(c), prohibiting amendments in provisional applications, the drawings submitted on petition will not be entered in the application. If applicant desires that these drawings be a part of the disclosure of a provisional application, applicant should simply file a new completed provisional application (and, thereby, accept a later filing date for the disclosure).

The drawings filed February 28, 2006 will not be entered.

CONCLUSION

The petition is **GRANTED** to the extent that the provisional application will be accorded a filing date of December 12, 2005 with no drawings as a part of the original disclosure of the application.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for further processing **with a filing date of December 12, 2005** and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

JESSE A. HIRSHMAN, ESQ.
1722 MURRAY AVENUE
PITTSBURGH PA 15217

In re Application of :
Bruns, et al. :
Application No. 60/749,738 : ON PETITION
Filed: 13 December, 2005 :
Attorney Docket No. 0002.0034 :

This is a decision on the petition filed on 23 January, 2006, under 37 C.F.R. §1.182 and considered here under 37 C.F.R. §1.53.

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

BACKGROUND

The application was deposited on 13 December, 2005.

On 19 January, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (the 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 indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or

- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 23 January, 2006, Petitioner submitted the instant petition, seeking a 13 December, 2005, filing date for the application.

Petitioner acknowledges therein that no figures were submitted in accordance with the Rules of Practice.

Rather, Petitioner avers that drawings "omitted from the original filing [on 13 December, 2005] are not necessary for the understanding of the subject matter sought to be patented."

ANALYSIS

Petitioner does aver, *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 indicates that, *inter alia*, the Claims contain one or more methods claims. (See: MPEP §601.01(f)(A).)

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.

The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35

U.S.C. 113 (first sentence) are:

(A) *Coated articles or products*: where the invention resides solely in coating or impregnating a conventional sheet (*e.g.*, paper or cloth, or an article of known and conventional character with a particu lar composition), unless significant details of structure or arrangement are involved in the article claims;

* * *

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 arguments in the petition will be construed, in part, to mean that Petitioner, a registered practitioner before the Office, asserts that drawings are not necessary for a filing date in this application. And the nine (9) sheets of drawings as numbered (Figs. 1 - 17) will not be further considered as a part of this case.

In view of the above, the Notice mailed on 23 January, 2006, hereby is withdrawn to the extent that it indicates no filing date will be granted.

CONCLUSION

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 13 December, 2005, without drawing figures as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is waived and will be refunded.

The application is being referred to the Office of Initial Patent Examination to be processed for correction of the filing date to 13 December, 2005, with the 43 pages of specification (description, claims, abstract), deposited on 13 December, 2005, and no drawing figures 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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1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

In re Application of :
Kurtis D. Jones et al. :
Application No. 60/749,967 : DECISION ON PETITION
Filed: December 13, 2005 :
Attorney Docket No. 15818.15 :

This is a decision on the petition filed January 9, 2006 in response to the Notice of Omitted Items mailed December 29, 2005, which is treated under 37 CFR 1.182.

On December 13, 2005, the application was filed. On December 29, 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 December 13, 2005, but that Figure 18 described in the specification appeared to have been omitted.

In response, a complete set of drawings (eighteen sheets-Figures 1-18) and the present petition were submitted. Petitioners assert that eighteen sheets containing Figures 1-18 were filed with the other application papers on December 13, 2005. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of December 13, 2005, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of eighteen sheets of drawings. Petitioners request that the application be considered complete with Figure 18 as of the date of filing, December 13, 2005.

A review of the record reveals that only seventeen (17) sheets of drawings are located among the application papers deposited on December 13, 2005 and there is no page of drawings containing Figure 18. However, from the evidence presented it is obvious that there should have been eighteen sheets of drawings. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including the one (1) sheet of drawings containing Figure 18 as described in the specification, is entitled to a filing date of December 13, 2005.

The "Notice" mailed on December 29, 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 23-3178.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of December 13, 2005, using the application papers filed on December 13, 2005 and the drawings supplied on January 9, 2006 with the petition.

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

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OFFICE OF PETITIONS

RAJEEV BAJAJ
43651 SKYE RD
FREMONT, CA 94539

In re Application of	:	
Rajeev Bajaj	:	
Application No.: 60/750,020	:	ON PETITION
Filed: December 13, 2005	:	
Attorney Docket No:	:	

This is in response to the petition under 37 CFR 1.137(b) filed November 15, 2006.

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 January 5, 2006. The notice set a shortened 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 allowed period, and the application became abandoned on March 6, 2006. A Notice of Abandonment was mailed on September 14, 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 item (2) above.

The fee for the instant petition is $750.00 for a small entity. A review of the application file record did not reveal the $750.00 fee. The renewed petition must be accompanied by the fee of $750.00 to be considered grantable.

The remainder of the filing fee and the surcharge required by the notice of January 5, 2006, were received on November 15, 2006.

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

By mail:

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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COOLEY GODWARD KRONISH, LLP
ATTN: Patent Group
Suite 500
1200 - 19th Street, NW
Washington, DC 20036-2402

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OFFICE OF PETITIONS

In re Application of :
Sergey Simavoryan :
Application No. 60/750,084 : ON PETITION
Filed: December 12, 2005 :
Attorney Docket No. COMP-017/00US :

This is a decision on the petition under 37 CFR 1.137(b), filed on November 13, 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 December 28, 2005. A Notice of Abandonment was mailed on September 6, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a $100 for the application 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**.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: EASTMAN,GARY
707 Broadway Street
Suite 1800
San Diego, CA 92101

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OFFICE OF PETITIONS

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON MA 02109

In re Application of :
Finn, et al. :
Application No. 60/750,191 : ON PETITION
Filed: December 14, 2005 :
Attorney Docket No. BSZ-076-1 :

This is a decision on the "PETITION TO GRANT ORIGINAL FILING DATE PURSUANT TO 37 CFR 1.10", filed February 3, 2006, to accord the above application a filing date of December 13, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was deposited with the USPS on December 13, 2005, not December 14, 2005.

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

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

Here, Petitioner has included a true copy of the Express Mail label, which Petitioner argues contains a USPS date stamp in the upper right hand corner, indicating a date of December 13, 2005. However, the date stamp is illegible, likely due to the fact that the petition was filed via facsimile transmission. Petitioner is encouraged to re-file a copy of the Express Mail label by mail.

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Robert C. Kain, Jr.
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750 S.E. Third Avenue, Suite 100
Ft. Lauderdale FL 33316-1153

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OFFICE OF PETITIONS

In re Application of :
Barry Goldberg et al. :
Application No. 60/750,264 : DECISION ON PETITION
Filed: December 14, 2005 :
Attorney Docket No. 6988-04 :

This is a decision on the petition filed March 15, 2006, requesting that the above-identified provisional application be accorded a filing date of December 14, 2005.

The application was deposited on December 14, 2005.[1] On March 7, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, indicating that the specification did not include a written description of the invention, and stating that the filing date would be the date of receipt of the required item.

A review of the one page of specification and drawings filed on December 14, 2005, reveals that the page contains a combination of text and drawings, which can be construed as a written description for the purpose of a filing date. Accordingly, the present provisional application may be accorded the requested filing date of December 14, 2005.

The petition is **granted**.

Nevertheless, this decision should not be construed as an indication that any particular invention disclosed in the present provisional application has been disclosed in the manner required by 35 U.S.C. 112, first paragraph. Petitioners are reminded that in order for a nonprovisional application to be entitled to the benefits of a prior provisional application filing date, the invention being claimed in the

[1] Petitioners deposited the original application papers in Express Mail Post Office to Addressee service on December 14, 2005. Petitioners submitted a copy of Express Mail Label No. EL039210597US, showing a "date-in" of December 14, 2005. The same Express Mail Label Number was place on the original application papers. Additionally, the USPS Track and Confirm information indicates that a package, bearing EL039210597US, was accepted in the USPS on December 14, 2005 at 3:44 PM. A copy of the USPS Track and Confirm information is enclosed with this decision.

nonprovisional application must be disclosed in the provisional application in the manner provided by the first paragraph 35 U.S.C. 112, including a recitation of the "best mode." 35 U.S.C. 119(e).

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of December 14, 2005.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

CTT

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DIW Nov-06

LAW OFFICES OF KHALILIAN SIRA, LLC
9100 PERSIMMON TREE ROAD
POTOMAC MD 20854

COPY MAILED
NOV 15 2006
OFFICE OF PETITIONS

In re Application of :
Colm King :
Application No. 60/750,574 : ON PETITION
Filed: 15 December, 2005 :
Attorney Docket No. 21281-100 :

This is a decision in reference to the petition under 37 CFR 1.181 filed on 27 September, 2006, to withdraw the holding of abandonment. This is also a decision on the paper requesting expedited treatment, filed on 28 September, 2006, which is treated as a petition under 37 CFR 1.182 to expedite the petition to withdraw the holding of abandonment.

The petition to expedite consideration is **GRANTED**.

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

This application became abandoned on 14 March, 2006, for failure to file a proper response to the Notice to File Missing Parts of Provisional Application, mailed on 13 January, 2006, which required a provisional application cover sheet or application data sheet (ADS) listing the city and state or city and foreign country of the residence of each inventor, and a $25.00 surcharge for its late filing. No reply having been received, Notice of Abandonment was mailed on 21 September, 2006.

Petitioner asserts that the Notice was issued in error, as the Provisional Application Cover Sheet submitted with the application papers did in fact list the city and state of the residence of the sole inventor. In support, petitioners have provided a copy of a provisional application cover sheet, which contains the inventor's name on Page 1 of 2, and the inventor's name and residence on Page 2 of 2. Petitioners have also provided a copy of a postcard itemizing the filing of a Provisional Patent Application Transmittal.

The showing of record is insufficient to withdraw the holding of abandonment.

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]

A review of the application papers received on 15 December, 2005, reveals that two (2) pages of a Provisional Application Cover Sheet were received. However, the city and state or city and foreign country of the residence of the sole inventor are not listed on either of the pages of cover sheet filed. Specifically, neither Page 1 nor Page 2 lists the city and state or city and foreign country of he residence of the sole inventor.

While petitioner's postcard itemizes the filing of a Provisional Application Cover Sheet, it does not itemize the filing of a Provisional Application Cover Sheet containing the city and state or city and foreign country of the residence of the inventor. Rather, a cover sheet as itemized was received with the application papers, and said cover sheet does not include the information required by the Notice mailed on 13 January, 2006. As such, petitioners have not provided proof that a cover sheet containing residence information for the inventor was ever filed. Therefore, the showing of record is that the Notice mailed on 13 January, 2006, was properly mailed, and the application became abandoned for failure to timely reply thereto.

Petitioner may wish to consider filing a petition to revive the application under 37 CFR 1.137(b), accompanied by the proper fee. Additionally, the $25.00 fee required by the Notice mailed on 13 January, 2006, must also be filed with any required reply.

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[1] MPEP 503.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[2]

The petition to expedite fee of $400.00 will be charged to counsel's deposit account, as authorized in the paper filed on 28 September, 2006.

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

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

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

By hand: 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) 272-3231.

/DWood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

[2] 37 CFR 1.181(f).

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

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Alexandria, VA 22313-1450
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LAW OFFICES OF KHALILIAN SIRA, LLC
9100 PERSIMMON TREE ROAD
POTOMAC MD 20854

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NOV 3 0 2006
OFFICE OF PETITIONS

In re Application of :
Colm King :
Application No. 60/750,574 : DECISION ON PETITION
Filed: 15 December, 2005 :
For: METHODS AND COMPOSITIONS :
FOR TREATMENT OF CANCER :

This is a decision on the petition filed on 17 November, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 14 March, 2006, for failure to timely respond to the Notice to File Missing Parts of Provisional Application mailed on 13 January, 2006, 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

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

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

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

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

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

mailed on 21 September, 2006. The petition to withdraw the holding of abandonment filed on 27 September, 2006, was dismissed on 15 November, 2006.

Receipt of the two (2) pages of Provisional Application Cover Sheet filed on 27 September, 2006, is acknowledged.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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MAR 27 2006

OFFICE OF PETITIONS

MACCORD MASON PLLC
300 N. GREENE STREET, SUITE 1600
P.O. BOX 2974
GREENSBORO, NC 27402

In re Application of
Holfelder
Application No. 60/750,707
Filed: December 15, 2005
Attorney Docket No. 7446-01P

Decision on Petition

This is a decision on the petition filed January 20, 2006, to accord the above-identified application a filing date of December 15, 2005.

The application was filed on December 15, 2005.

On December 29, 2005, the Office of Initial Patent Examination mailed a Notice stating that the drawings were missing and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that a drawing sheet was deposited on December 15, 2005. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 1 sheet of drawing on December 15, 2005.[1]

Upon review of the record, the drawing sheet filed on December 15, 2005, has not been located. However, the evidence is convincing that the application papers deposited on December 15, 2005, included the drawing sheet, and that the drawing sheet was subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of December 15, 2005.

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

The petition fee of $400 has been credited to petitioner's deposit account.

The Notice mailed December 29, 2005, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will further process the application with a filing date of December 15, 2005, using the application papers filed on December 15, 2005, and the copy of the one drawing sheet filed on January 20, 2006.

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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[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

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

JAMES STODDARD
509 Yampa Avenue
Craig, CO. 81625

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SEP 1 4 2007

OFFICE OF PETITIONS

In re Application of
James Stoddard
Application No. 60/750,767
Filed: December 14, 2005
Attorney Docket No.00-01-02

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c) (2), filed March 1, 2007, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (b) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

37 CFR 1.102(c) is directed to the granting of special status to non-provisional applications. See MPEP 708. The special status cannot be granted to the instantly filed and expired provisional application. The special status referenced in 37 CFR 1.102 accepts non-provisional applications for examination. Provisional applications do not merit substantial examination by the Office.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Thurman K. Page at 571-272-0602.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

David Bucci
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
60/750,854	12/14/2005		350	0289591.00165US1			

CONFIRMATION NO. 6433

28089
WILMER CUTLER PICKERING HALE AND DORR LLP
399 PARK AVENUE
NEW YORK, NY 10022

CORRECTED FILING RECEIPT

OC000000017974506

Date Mailed: 02/02/2006

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

Applicant(s)

Andrew L. Salzman, Belmont, MA;

Power of Attorney: The patent practitioners associated with Customer Number **28089**.

If Required, Foreign Filing License Granted: 01/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/750,854

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 treating or preventing erectile dysfunction or urinary incontinence

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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O'SHEA, GETZ & KOSAKOWSKI, P.C.
1500 MAIN ST.
SUITE 912
SPRINGFIELD, MA 01115

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MAR 27 2006

OFFICE OF PETITIONS

In re Application of :
Benni :
Application No. 60/751,009 : ON PETITION
Filed: December 16, 2005 :
Attorney Docket No. 5180-0012 :

This is a decision on the petition filed January 23, 2006, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed January 17, 2006, be withdrawn to the extent that it states that Figure1 appeared to have been omitted.

The petition is **dismissed**.

The application was filed on December 16, 2005.

The first drawing page contained 3 drawing figures. One drawing figure was labeled FIG. 3. Another drawing figure was labeled FIG. 4. One drawing figure was only labeled, "FIG."

On January 17, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that Figure 1 described in the specification appeared to have been omitted. The Notice did not state that Figure 3 or Figure 4 appeared to be missing.

The petition stated Figure 1 was not missing but was simply mislabeled.

is obvious from the petition that no drawings were actually missing on January 23, 2006. However, the "Notice Of Omitted Item(s)" mailed January 17, 2006, was correct in stating that Figure 1 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.[1]

Since the present petition was not necessitated by any error on the part of the Office, the $130 petition fee will not be refunded.

The instant application is a provisional application. Therefore, the amendment filed with the petition will not be entered.

The original application papers will include only those application papers present on the date of deposit.

---

[1] Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed comparison of the written description and drawings. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a Figure listed in the specification is not present, OIPE sends a Notice of Missing Parts and does not examine the content of the drawings and specification to determine whether the Figure may have been unlabeled or mislabeled.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 23, 2006,, using only the application papers filed on that date.

Telephone inquiries regarding this decision may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SPRINGFIELD, MA 01115

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APR 0 3 2006

OFFICE OF PETITIONS

In re Application of
Benni
Application No. 60/751,009
Filed: December 16, 2005
Attorney Docket No. 5180-0012

ON PETITION

This is a corrected decision on the petition filed January 23, 2006, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed January 17, 2006, be withdrawn to the extent that it states that Figure1 appeared to have been omitted.

The petition is **dismissed**.

The application was filed on December 16, 2005.

The first drawing page contained 3 drawing figures. One drawing figure was labeled FIG. 3. Another drawing figure was labeled FIG. 4. One drawing figure was only labeled, "FIG."

On January 17, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that Figure 1 described in the specification appeared to have been omitted. The Notice did not state that Figure 3 or Figure 4 appeared to be missing.

The petition stated Figure 1 was not missing but was simply mislabeled.

is obvious from the petition that no drawings were actually missing on January 23, 2006. However, the "Notice Of Omitted Item(s)" mailed January 17, 2006, was correct in stating that Figure 1 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.[1]

Since the present petition was not necessitated by any error on the part of the Office, the $130 petition fee will not be refunded.

The instant application is a provisional application. Therefore, the amendment filed with the petition will not be entered.

The original application papers will include only those application papers present on the date of deposit.

---

[1] Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed comparison of the written description and drawings. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a Figure listed in the specification is not present, OIPE sends a Notice of Missing Parts and does not examine the content of the drawings and specification to determine whether the Figure may have been unlabeled or mislabeled.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **DECEMBER 16, 2005**, using only the application papers filed on that date.

Telephone inquiries regarding this decision may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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

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MAY 0 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Morgan et al.	:	
Application No. 60/751,032	:	ON PETITION
Filed: December 15, 2005	:	
Attorney Docket No. 09367.6112-00000	:	

This is a decision on the petition filed April 7, 2006, requesting that the above-identified application be accorded a filing date of December 15, 2005, rather than the presently accorded date of December 16, 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 December 15, 2005, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 708642659 US, showing a handwritten "date-in" of "December 15, 2005," as well as a "December 15, 2005" USPS receipt stamp. The same Express Mail receipt number appears on the original "Provisional Application 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 December 15, 2005, on the cover sheet for the application papers.

To further substantiate applicant's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on December 15, 2005 at 4:50 p.m. at the Palo Alto, CA USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on December 15, 2005.

The petition is **GRANTED**.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of December 15, 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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MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Anton Wilson	:	
Application No.: 60/751089	:	DECISION ON
Filing or 371(c) Date: 12/16/2005	:	PETITION
Attorney Docket Number: 17984-007P01	:	

This is a decision in response to the Petition to Withdraw Notice of Abandonment, filed October 10, 2006. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 17, 2006. The Notice required a Provisional Application Coversheet and a surcharge of $25.00. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 18, 2006. A Notice of Abandonment was mailed September 27, 2006.

Petition under 37 CFR 1.181

Applicant files the instant petition and asserts that a timely reply to the Office action was filed via facsimile on January 23, 2006. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of a Provisional Application Coversheet on February 2, 2006.

Applicant also filed a Request for a Refund with the response, asserting that the filing fee was paid in excess of $50.00 and requesting a refund thereof.

Analysis and conclusion

In view of Applicant's postcard receipt, the Notice of Abandonment is hereby vacated, and the holding of abandonment is hereby withdrawn.

A review of Office records reveals that a refund of $50.00 was credited to deposit account 06-1050 on December 21, 2005.

Finally, A fee of $25.00 for late filing of the Provisional Application Coversheet is due. Applicant's deposit account has been charged $25.00 as authorized in the Response filed February 2, 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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OFFICE OF PETITIONS

In re Application of: :
Steelberg et al. :
Application No. 60/751,348 : ON PETITION
Filed: December 19, 2005 :
Docket No.: 24207-11460
PGPUB: n/a

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 **to the extent infra.**

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 any other application claiming benefit of the above-captioned application as then the public would then, inequitably, have more access to the application than a named inventor. See MPEP 106. Accordingly while the petition can be granted at this time, such is a fleeting relief, conditioned for only as long the public cannot obtain access to the instant application. See 37 CFR §§ 1.11; 1.14.

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

Brian Hearn
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Malinowski :
Application No. 60/751,495 : ON PETITION
Filed: December 17, 2005 :
Attorney Docket No. 046143/292030 :
For: MONOCLONAL ANTIBODIES AND METHODS FOR THEIR USE IN THE DETECTION OF CERVICAL DISEASE

This is a decision on the petition captioned under 37 CFR 1.53(e), filed January 23, 2006(certificate of mailing date January 19, 2006), requesting that the above-identified application be accorded a filing date of December 19, 2005 rather than the presently accorded filing date of December 17, 2005. The petition will be treated under 37 CFR 1.10(c).

Petitioner requests the later filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on December 19, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EV395776926US showing an illegible "date-in" **and** a USPS date stamp of DEC 19 2005. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EV395776926US was deposited with the USPS on December 19, 2005.

Accordingly, the petition is granted.

Pursuant to petitioner's authorization, deposit account no. 16-0605 will be refunded the $400.00 fee submitted with the instant petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **December 19, 2005** and the mailing of a filing receipt reflecting the correction.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/751,495	12/19/2005		100	046143/292030	8		

CONFIRMATION NO. 9462

CORRECTED FILING RECEIPT

OC000000018730596

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 05/10/2006

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

Applicant(s)

Douglas P. Malinowski, Hillsborough, NC;

Power of Attorney:

Michelle Cunningham–51072

If Required, Foreign Filing License Granted: 01/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/751,495

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

Monoclonal antibodies and methods for their use in the detection of cervical 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 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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MYRIAD GENETICS INC.
INTELLECUTAL PROPERTY DEPARTMENT
320 WAKARA WAY
SALT LAKE CITY UT 84108

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OFFICE OF PETITIONS

In re Application of :
Bartel, et al. :
Filed: December 19, 2005 : ON PETITION
Application No. 60/751,918 :
Atty. Dkt. No.: 5086-01-3P :

This decision is in response to the "PETITION TO ACCORD A FILING DATE TO ALLEGEDLY OMITTED ITEMS UNDER 37 C.F.R. § 1.53(e)(2)," filed March 15, 2006.

The application was filed December 19, 2005. The Notice of Omitted Items in a Provisional Application (Notice) mailed January 17, 2006 indicated that the application had been accorded a filing date but that pages 65 and 79-81 of the specification appeared to have been omitted from the application papers as filed.

In response, the instant petition was filed wherein petitioners argue that the application as deposited included 82 pages, including pages 65 and 79-81 of the specification. A copy of pages 65 and 79-81 purportedly filed with the application on December 19, 2005 was submitted herewith.

The original pages numbered 65 and 79-81 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 December 19, 2005 is GRANTED.

Since the original pages 65 and 79-81 cannot be located in the Office, the copy of these pages submitted herewith 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 on petitioners' behalf.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of

December 19, 2005 with pages 65 and 79-81 as part of the application papers as originally 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

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121 S.W. SALMON STREET
PORTLAND, OR 97204

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OFFICE OF PETITIONS

In re Application of	:	
Gary A. Strobel et al	:	
Application No. 60/752,260	:	DECISION ON PETITION
Filed: December 19, 2005	:	
Attorney Docket No. 7478-72973-01	:	

This is a decision on the petition, filed September 25, 2006, which is being treated as a petition under 37 CFR 1.182 to correct the name of inventor "Myers R. Myers" to – Shelly R. Myers --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correction to the above-noted inventor's name. A corrected Filing Receipt accompanies this decision on petition.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/752,260	12/19/2005		100	7478-72973-01	1		

CONFIRMATION NO. 3112

CORRECTED FILING RECEIPT

OC000000022390333

24197
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Date Mailed: 02/08/2007

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)

Gary A. Strobel, Bozeman, MT;
Uvidelio F. Castillo, Bozeman, MT;
Shelly R. Myers, Minneapolis, MN;

Power of Attorney:

Tanya Harding--42630

If Required, Foreign Filing License Granted: 03/01/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/752,260

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

Endophytic streptomycetes in snakevine

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 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

GRANTED

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

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

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

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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FARELLA BRAUN & MARTEL
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

COPY MAILED

MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Kaundinya et al. :
Application No. 60/752,487 :
Filed: December 22, 2005 :
For: SYSTEM AND METHOD FOR :
TRACKING ALERTS :

This is a decision on the Petition Under 37 CFR 1.53(e)(2), filed January 17, 2006, requesting the above-identified application be accorded a filing date of December 22, 2005.

The application was filed on December 22, 2005. On January 5, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that the drawings are not necessary for an understanding of the invention.

Accordingly, the petition is granted.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of December 22, 2005, and an indication that no drawings were required nor present on filing.

The petition fee has been refunded to deposit account 50-2001 as authorized in the instant petition.

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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RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

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APR 28 2006
OFFICE OF PETITIONS

In re Application of :
Kaundinya et al. :
Application No. 60/752,487 :
Filed: December 20, 2005 :
For: SYSTEM AND METHOD FOR :
TRACKING ALERTS :

This is a decision on the Petition Under 37 CFR 1.181, filed April 12, 2006, requesting correction of the filing date of the above-identified application to December 20, 2005.

The application was filed on December 22, 2005. On January 5, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant filed a petition wherein applicant asserted that the drawings were not necessary for an understanding of the invention.

The petition was granted in a Decision mailed March 6, 2006. However, the Decision granting the petition inadvertently changed the filing date to December 22, 2005. Applicant files the instant petition to correct the Office mistake.

Accordingly, the petition is granted.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of December 20, 2005, and an indication that no drawings were required nor present on filing.

No fee has been charged and non is due.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
AUG 29 2006
OFFICE OF PETITIONS

In re Application of :
Michael J. Van Eijk :
Application No. 60/752,591 : DECISION ON PETITION
Filed: December 22, 2005 :
Attorney Docket No. VAN EIJK4 :

This is a decision on the petition filed March 20, 2006 in response to the Notice of Omitted Items mailed January 18, 2006, which is treated under 37 CFR 1.182.

On December 22, 2005, after the application was filed, the Office of Initial Patent Examination mailed a Notice of Omitted Items stating that the application had been accorded a filing date of December 22, 2005, but that page 26 of the specification appeared to have been omitted.

In response, a copy of page 26 and the present petition were submitted. Petitioners assert that the specification filed was 31 pages in length and that all pages of the specification were with the other application papers on December 22, 2005, including page 26. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of December 22, 2005, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of a thirty-one page specification. Petitioners request that the application be considered complete with page 26 of the specification and with a filing date of December 22, 2005.

A review of the record reveals that only thirty pages of specification (including abstract and claims pages) are located among the application papers deposited on December 22, 2005 and that there is no page 26 included therein. However, from the evidence presented it is obvious that there should have been thirty-one pages. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including page 26, is entitled to a filing date of December 22, 2005.

The "Notice" mailed on January 18, 2006, is **VACATED**.

In view of the above, the petition is **GRANTED** and petitioner's deposit account no. 02-4035 will be credited in the amount of $130.00 for the petition fee.[1]

This matter is being referred to the Office of Initial Patent Examination with an indication that page 26 of the specification was in fact filed the application papers filed on December 22, 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

[1]Although $130.00 was charged to petitioner's deposit account, please note that effective December 8, 2004, the fee for a petition under 37 CFR 1.182 was set at $400.00 not $130.00 and if a fee had been required, it should have been in the amount of $400.00.

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

COPY MAILED

FEB 21 2006

OFFICE OF PETITIONS

In re Application of :
Anderson et al. : DECISION GRANTING PETITION
Application No. 60/752,607 :
Filed: December 20, 2005 :
Attorney Docket Number: 040965.018P :
Title of Invention: Dry Erase Paint :

This is a decision on the petition under 37 CFR 1.10 (c) filed on January 17, 2006, requesting that the above-identified application be accorded a filing date of December 20, 2005 rather than the presently accorded date of December 21, 2005.

Petitioner contends the application was deposited in Express Mail service on December 20, 2005. In support, petitioner supplied a copy of Express Mail receipt No. EV251257377US (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 December 20, 2005. 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 December 20, 2005.

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

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **December 20, 2005** and issuance of a corrected Filing Receipt.

This matter will be referred to the Office of Initial Patent Examination for further processing.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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DNW Aug-06

CHRISTOPHER PARADIES, PH.D.
FOWLER WHITE BOGGS BANKER, P.A.
501 E KENNEDY BLVD, STE. 1900
TAMPA FL 33602

COPY MAILED

AUG 11 2006

OFFICE OF PETITIONS

In re Application of :
Gruendel et al. :
Application No. 60/752,773 : DECISION ON PETITION
Filed: 20 December, 2005 :
Atty Docket No. A8251 :

This is a decision on the "Request for Corrected Filing Receipt," filed on 5 May, 2006, which is treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 20 December, 2005, rather than the presently accorded filing date of 21 December, 2005.

Petitioner alleges that the application was deposited in Express Mail service on 20 December, 2005. In support, petitioners have provided a copy of Express Mail Label No. EV770339497US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). Although the "date-in" is incomplete on the Express Mail label, the label contains an Official USPS postmark dated December, 20, 2005.

In view of the above, the correct date of deposit in Express Mail is 20 December, 2005.

In view of the above, the petition is granted.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to **20 December, 2005.**

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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
60/752,774	12/07/2005		200	ACADIA.003PR4	3		

CONFIRMATION NO. 4236

CORRECTED FILING RECEIPT

OC000000018249067

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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)

Roger Olsson, Bunkeflo Strand, SWEDEN;

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

If Required, Foreign Filing License Granted: 01/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/752,774

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Identification of small molecule agonists for the vasopressin V2 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.

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

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

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

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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
60/752,775	12/07/2005		200	ACADIA.002PR5	5		

CONFIRMATION NO. 4235

CORRECTED FILING RECEIPT

OC000000018249107

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 03/09/2006

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Applicant(s)

Roger Olsson, Bunkeflo Strand, SWEDEN;

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

If Required, Foreign Filing License Granted: 01/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/752,775

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Identification of small molecule agonists for the orphan nuclear receptor HNF4 alpha

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/752,836	12/22/2005		200	1370.140PRV	13		

CONFIRMATION NO. 9592

CORRECTED FILING RECEIPT

OC000000017940796

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

Date Mailed: 01/30/2006

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)

Keith I. Wilkinson, San Jose, CA;

Power of Attorney:

Seth Kalson--40670

If Required, Foreign Filing License Granted: 01/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/752,836

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 processing timers

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

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

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Knox Van Dyke
106 Morgan Drive
Morgantown, WV 26505

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MAY 17 2006

OFFICE OF PETITIONS

In re Application of :
Dyke :
Application No. 60/753,008 : ON PETITION
Filed: December 22, 2005 :

This is a decision on the petition filed February 28, 2006, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed February 16, 2006, be withdrawn to the extent that it states that Figures 2 and 3 are missing.

The application was filed on December 22, 2005.

On February 16, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of December 22, 2005, and advising applicants that Figures 2 and 3 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that Figures 2 and 3 were not missing. Instead, the application included unlabeled or mislabeled figures which are the Figures described in the specification.

It is obvious from the petition that no drawings were actually missing on December 22, 2005. However, the "Notice Of Omitted Item(s)" mailed February 16, 2006, was correct in stating that Figures 2 and 3 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.[1]

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

Since the present petition was not necessitated by any error on the part of the Office, the $400 petition fee will not be refunded.

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[1] Attention is directed to MPEP 601.01(g) which reads in part:

The Office of Initial Patent Examination (OIPE) reviews application papers to determine whether all of the figures of the drawings that are mentioned in the specification are present in the application. If the application is filed without all the drawing figure(s) referred to in the specification, and the application [is entitled to a filing date], OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers . . . are lacking some of the figures of drawings described in the specification.

Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed comparison of the written description and drawings. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a Figure listed in the specification is not present, OIPE sends a Notice of Missing Parts and does not examine the content of the drawings and specification to determine whether the Figure may have been unlabeled or mislabeled.

The sheets of drawings filed on February 28, 2006, were not present in the Office on December 22, 2005. Therefore, those drawings are not parts of the original disclosure of the present application and will not be used to process the application.

The original application papers will include only those application papers present on the date of deposit.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of December 22, 2005, using only the application papers filed on December 22, 2005.

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 0 9 2006

OFFICE OF PETITIONS

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of :
Bernard D. Sadow :
Application No. 60/753,159 : ON PETITION
Filed: December 21, 2005 :
Attorney Docket No.: 20,351 :

This is a decision on the petition under 37 CFR 1.182, filed January 26, 2006.

The petition is **granted**.

On December 21, 2005, the above-identified application was filed. However, on January 10, 2006, 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 December 21, 2005, and advising applicant that Figure 1, as described in the specification, appeared to have been omitted.

In response, on January 26, 2006, applicant filed the present petition, a $400.00 petition fee, and an Office date-stamped postcard receipt acknowledging receipt of six (6) sheets drawings.

Upon review of the record, Figure 1 was not located among the application papers. However, the evidence is convincing that the application papers deposited December 21, 2005, included six sheets of drawings. Therefore, the application, including Figure 1, was complete on filing and entitled to a filing date of December 21, 2005.

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

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 21, 2005.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

Paper No. None

CRAWFORD MAUNU PLLC
Suite 390
1270 Northland Drive
St. Paul MN 55120

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JUL 24 2006
OFFICE OF PETITIONS

In re Application of :
Jung Ho Ahn et al. :
Application No. 60/753,164 : DECISION ON PETITION
Filed: December 22, 2005 :
Attorney Docket No.: STFD.110P1 :
Title: ATOMIC MEMORY ACCESS :
HARDWARE IMPLEMENTATION :

This is a decision on the petition filed April 21, 2006, requesting that the above-identified application, including Figures one through three, be accorded a filing date of December 22, 2005 as part of the original disclosure.

The application was deposited on December 22, 2005. However, on February 15, 2006, 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. The notice further indicated that a substitute specification would be required.

In response, on April 21, 2006, applicants filed the present petition. The petition is further accompanied by three sheets of drawings containing Figures one through three, along with a copy of applicants' postcard receipt acknowledging receipt of "3 sheets of drawings, labeled Figures 1-3" in the United States Patent and Trademark Office (Office) on December 22, 2005. Applicants request that Figures one through three be accorded a filing date of December 22, 2005.

The drawings have not been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on December 22, 2005 included these three

figures, and the three sheets containing these figure was subsequently misplaced in the Office.

Therefore, the application, including Figures one through three, was complete on filing and entitled to a filing date of December 22, 2005 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed February 15, 2006 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 in due course.

OIPE will be notified that the application should receive a filing date of December 22, 2005, using the original application papers filed on that date, as well as Figures one through three submitted on April 21, 2006, and it will be noted in Office records that these sheets of drawings 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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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
60/753,295	12/21/2005		200	10286.0412.PZUS00	10		

CONFIRMATION NO. 1584

CORRECTED FILING RECEIPT

OC000000018133576

23369
HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-7195

Date Mailed: 02/24/2006

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

Applicant(s)

John Edward Ravensbergen, DeWinton, CANADA;
Mitch Lambert, Calgary, CANADA;
Chad Northeast, Calgary, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number **23369**.

If Required, Foreign Filing License Granted: 01/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/753,295

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Concentric coiled tubing annular fracturing string

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

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MAR 13 2006

OFFICE OF PETITIONS

In re Application of :
Raanan A. Miller :
Application No. 60/753,300 : ON PETITION
Filed: December 21, 2005 :
Attorney Docket No. SION-P60-080 :

This is a decision on the petition under 37 CFR 1.10 (c) filed March 6, 2006 to correct the filing date to December 21, 2005, rather than the presently accorded filing date of December 22, 2005.

Petitioner alleges that the application was deposited in Express Mail service on December 21, 2005. In support, petitioner has supplied a copy of Express Mail Label No. EV543611119US (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 a little illegible which could have caused some confusion as to the date-in but the USPS post mark is December 21, 2005. The evidence submitted corroborates the express mail date and thus is sufficient for correcting the filing date.

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 December 21, 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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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
60/753,300	12/21/2005		200	SION-P60-080	1		

CONFIRMATION NO. 1605

CORRECTED FILING RECEIPT

OC000000018313214

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

Date Mailed: 03/17/2006

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)

Raanan A. Miller, Bedford, MA;

Power of Attorney: The patent practitioners associated with Customer Number **28120**.

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Integrated longitudinal differential mobility spectrometer

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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DRW Jul-06

JOHN R. ROSS
TREX ENTERPRISES
10455 PACIFIC CENTER CT
SAN DIEGO CA 92121

COPY MAILED
JUL 11 2006
OFFICE OF PETITIONS

In re Application of	:	
Hsieh et al.	:	LETTER DISMISSING PETITION
Application No. 60/753,483	:	
Deposited: 23 December, 2005	:	
Atty Docket No. 643	:	

This is a letter in reference to the "Response to Missing Parts" filed on 27 March, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of 23 December, 2005.

The petition is **DISMISSED**.

The application was deposited on 23 December, 2005, without drawings. Accordingly, on 19 January, 2006, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application stating that the application had been deposited without drawings.

On 27 March, 2006, the present paper was filed. The paper states that "applicants do not wish to file drawings in this case since applicable drawings are contained in parent applications that are incorporated by reference."

At the outset, any assertions that the items required were submitted, or are not necessary for a filing date, must be by way of petition accompanied by the $400.00 petition fee.[1] Applicants have not submitted the required fee. Patent and trademark fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is

[1] 37 CFR 1.17(h).

payable.[2] As such, the petition fee is a prerequisite to the filing of the present petition, and the Office will not reach the merits of the petition unless and until the petition fee is submitted.

Additionally, 35 U.S.C. § 113 requires a drawing where necessary for an understanding of the subject matter to be patented. Applicants have not stated that a drawing is not necessary for an understanding of the invention, and, the claims filed with the provisional application are not of the type for which drawings are usually not considered necessary for an understanding of the invention.[3]

Further, a provisional application is not entitled to the benefit of an earlier filing date in the United States under 35 U.S.C. § 120, 121, or 365(c).[4]

As such, the application papers deposited on 23 December, 2005, are not entitled to a filing date.

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

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

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

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

---

[2] 37 CFR 1.22(a).

[3] See MPEP 601.01(f).

[4] 35 U.S.C. § 111(b)(7).

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

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
60/753,619	12/23/2005		100	3882-Wallon			

CONFIRMATION NO. 3747

CORRECTED FILING RECEIPT

OC000000018447402

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

Date Mailed: 04/03/2006

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)

U. Margaretha Wallon, Ardmore, PA;
George C. Prendergast, Bala-Cynwyd, PA;
Karen A. Knudsen, Philadelphia, PA;

Power of Attorney:

Robert Netter Jr–56422

If Required, Foreign Filing License Granted: 02/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/753,619

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

**** SMALL ENTITY ****

Title

Prognostic cancer markers

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

COPY MAILED

MAR 07 2006

OFFICE OF PETITIONS

In re Application of :
Biedermann, et al. :
Application No. 60/753,620 : DECISION GRANTING PETITION
Filed: December 22, 2005 :
Attorney Docket No. 56831/B884 :

This is a decision on the petition filed February 3, 2006, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of December 23, 2005, rather than the presently accorded filing date of December 22, 2005.

The petition is **granted**.

Petitioner alleges that the application was deposited with the Express Mail Service on December 23, 2005. In support of the allegation, the petition is accompanied by a copy of the "Track and Confirm" sheet from the United States Postal Service website reflecting that Express Mail package "EV327927556US" was deposited with the Express Mail Service on December 23, 2005. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on December 23, 2005.

In view of the above, the petition is granted. The new filing date for the above-cited application is December 23, 2005.

The Office of Initial Patent Examination will further process the application with a filing date of December 23, 2005, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/753,620	12/23/2005		200	56831/B884	9		

CONFIRMATION NO. 3745

CORRECTED FILING RECEIPT

OC000000018252295

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

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)

Lutz Biedermann, VS-Villingen, GERMANY;
Wilfried Matthis, Weisweil, GERMANY;
Helmar Rapp, DeiBlingen, GERMANY;

Power of Attorney:
Mark Garscia--31953

If Required, Foreign Filing License Granted: 01/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/753,620

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Flexible stabilization device for dynamic stabilization of bones or vertabrae

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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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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JUL 12 2007

OFFICE OF PETITIONS

KAREN M. TINSLEY-KIM
263 EASTON CIRCLE
OVIEDO FL 32765

In re Application of :
Karen M. Tinsely-Kim :
Application No. 60/753,729 : ON PETITION
Filed: December 27, 2005 :
Attorney Docket No.: None :

This is a decision in response to a petition under 37 CFR 1.137(b), filed January 1, 2007, to revive the above-identified application.

The petition is dismissed because it lacks the required petition fee pursuant to 37 CFR 1.17(m).

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,500. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

Petitioner submitted fees of $250 with the present petition. However, it is noted that this is a provisional application under 37 CFR 1.53(c). Since a provisional application expires twelve months after its filing date, revival of this case beyond December 27, 2006 is not permissible. Consequently, it appears the petition was filed by mistake. 35 USC 42(d) permits refund of "any fee paid by mistake or any amount paid in excess of that required." Accordingly, the $250 is subject to refund.

Any request for refund must included a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

PHILIPS ELECTRONICS NORTH
AMERICA CORPORATION
INTELLECTUAL PROPERTY &
STANDARDS
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CA 95131

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MAY 26 2006

OFFICE OF PETITIONS

In re Application of :
Erwin Bellers : DECISION ON
Application No. 60/753,851 : PETITION
Filed: December 23, 2005 :
Attorney Docket No. 001065US2 :

This is in response to the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION," filed February 15, 2006. Petitioner asserts that all of the necessary figures were provided to the USPTO at the time of filing. Petitioner requests that the Office amend the application to include references to figures 10, 11, 12 and 13 and delete references to figures 13, 14, 15 and 16 as denoted on page 5, paragraphs 21, 22, 23 and 24 of the specification.

Application papers in the above-identified provisional application were filed on December 23, 2005. However, on January 23, 2006, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) In A Provisional Application," stating that the application had been accorded a filing date; however, Figures 14, 15 and 16 described in the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

In response, applicant timely filed the instant petition. Applicant acknowledges that the specification referred to figures 13, 14, 15 and 16 (in the Brief Description of Drawings); however, no such figures 13, 14, 15 and 16 as referenced were present in the application. Rather, the Brief

Description of Drawings should have referenced figures 10, 11, 12 and 13 respectively, which were present in the application on filing. Applicant submits an amendment with the petition to correct the typographical errors in the specification.

It is obvious from the petition (and a review of the application file) that no drawing was actually missing on December 23, 2005. Rather, there was an error in the specification. However, the "Notice of Omitted Item(s)" mailed January 23, 2006, was correct in stating that Figures 14, 15 and 16 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Moreover, applicant is reminded that no amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. See 35 U.S.C. 111(b)(4) and 37 C.F.R. 1.53(c). Thus, in a provisional application, petitioner does not have the option of amending the application to correct references to the figures, even on the basis that those figures do not constitute new matter.

Applicant may consider whether it would be appropriate (or necessary) to file a new completed provisional application to correct the errors in the specification.

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

The petition fee will not be refunded as the petition was necessitated by the condition of the application on filing.

This provisional application will maintain a filing date of December 23, 2005, using the application papers deposited on that date. The amendment filed February 15, 2006 will not be entered.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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Paper No. None

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

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MAY 24 2006

OFFICE OF PETITIONS

In re Application of :
Thomas H. Vanderspurt et al. :
Application No. 60/753,860 : DECISION ON PETITION
Filed: December 23, 2005 :
Attorney Docket No.: :
U76.12-0005 :
Title: ON-BOARD FUEL :
DESULFURIZATION UNIT

This is a decision on the petition filed March 24, 2005, requesting that the above-identified application, including a plurality of drawings, be accorded a filing date of December 23, 2005, as part of the original disclosure.

The application was deposited on December 23, 2005. However, on March 2, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional 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 March 24, 2005, applicants filed the present petition along with the petition fee. Petitioner alleges that drawings were submitted on filing, albeit embedded within the text of several attachments to his submission.

The application exists as an electronic image file, and the above-mentioned attachments have been reviewed. It is clear that drawings were present on filing, embedded within the text of pages seventeen, twenty through twenty-six, twenty-eight, twenty-nine, thirty-five, forty, forty-two through forty-three, and forty-nine of the submission.

Since the application included at least one drawing, the application was complete on filing and entitled to a filing date of December 23, 2005 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed March 2, 2006 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded via the preparation of a Treasury Check in due course.

OIPE will process the application with a filing date of December 23, 2005, using the original application papers filed on that date, including the drawings embedded within the text of pages seventeen, twenty through twenty-six, twenty-eight, twenty-nine, thirty-five, forty, forty-two through forty-three, and forty-nine. OIPE will mail a Notice to File Corrected Application Papers requiring replacement drawings in compliance with 37 C.F.R. §§1.84 and 1.121(d). It is noted, for example, that the drawings contain excessive text and are not labeled. Any such amendment will have to be reviewed by the Examiner for new matter[1].

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

1 See MPEP 608.02(h) and 608.04.

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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AUG 07 2006

OFFICE OF PETITIONS

In re Application of
Agnihotri, et al.
Application No. 60/753,895
Filed: December 23, 2005
Attorney Docket No. 207,387
For: ACCURATE MEASUREMENT OF LAYER DIMENSIONS USING XRF

: DECISION DISMISSING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed June 27, 2006, requesting that the above-identified application be accorded a filing date of December 22, 2005, rather than the presently accorded filing date of December 23, 2005.

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

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on December 22, 2005, pursuant to the requirements of 37 CFR 1.10. In support, petitioners have submitted their copy of Express Mail label no. ER842053845US that lists no date-in; however, a postal date stamp of DEC 22 2005 is affixed to the label.

Section 1.10(a) of title 37, Code of Federal Regulations, states that:

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

This petition does not comply with all of the requirements under 37 CFR 1.10(c). Petitioners have submitted a true copy of the "Express Mail" mailing label in question showing the official notation by the USPS relied upon to show the date of deposit. 37 CFR 1.10(c)(3). Unfortunately, petitioners have not shown the number of the "Express Mail" mailing label was placed **on** the correspondence prior to its original mailing by "Express Mail." 37 CFR 1.10(c)(2).

Therefore, the petition is dismissed and the date of receipt of the application in the Office, December 23, 2005, remains the application's filing date.

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

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

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Martin Moynihan
c/o Anthony Castorina
Suite 207
2001 Jefferson Davis Highway
Arlington, VA 22202

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APR 21 2006

OFFICE OF PETITIONS

In re Application of :
Weinstein, et al. : DECISION ON PETITION
Application No. 60/754,181 :
Filed: July 27, 2005 :
Atty. Dkt. No.: 28875 :

The above-identified application has been forwarded to the Office of Petitions for consideration of the "RENEWED PETITION UNDER 37 CFR 1.181 TO ASSIGN A JULY 27, 2005 FILING DATE," filed March 14, 2006.

Petitioners allege that the instant application was filed July 27, 2005 and apparently not received by the Office. On December 28, 2005, petitioners resubmitted a true and correct copy of the application on December 28, 2005 along with a petition for a filing date of July 27, 2005. Petitioners also submitted a copy of a return receipt card date stamped July 27, 2005 by the Office.

The original application papers purportedly submitted July 27, 2005 have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of July 27, 2005 is GRANTED.

Since the original application papers cannot be located in the Office, the copy submitted December 28, 2005 will be used for examination purposes.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of July 27, 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

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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
60/754,181	07/27/2005		100	28875	4		

CONFIRMATION NO. 6523

CORRECTED FILING RECEIPT

OC000000018622116

Martin Moynihan
c/o Anthony Castorina
Suite 207
2001 Jefferson Davis Highway
Arlington, VA 22202

Date Mailed: 04/26/2006

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)

Talia Winstein, Tel-Aviv, ISRAEL;
Uzi Gafter, Petach-Tikva, ISRAEL;
Zvi Nevo, Herzlia, ISRAEL;
Dror Robinson, Kfar-Shmuel, ISRAEL;
Zoharia Evron, Hod-HaSharon, ISRAEL;

Power of Attorney:

Martin Moynihan--40338

If Required, Foreign Filing License Granted: 01/18/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/754,181

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

Inhibition of the renin-angiotensin system for the treatment of renal, vascular and cartilage pathology

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

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

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JUL 25 2006

OFFICE OF PETITIONS

In re Application of :
UNKNOWN :
Application No. 60/754,196 : DECISION GRANTING PETITION
Filed: December 28, 2005 :
Attorney Docket No. 08048.6018-00 :

This is a decision on the petition filed March 20, 2006, requesting that the above-identified application be accorded a filing date of December 28, 2005.

The petition is **granted**.

On December 28, 2005, the above-identified application was filed. On January 19, 2006, 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 March 20, 2006, 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 2 sheets of drawings on December 28, 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 2 sheets of drawings were present on December 28, 2005. Therefore, the application, including the 2 sheets of drawings, was complete on filing and entitled a filing date of December 28, 2005.

Petitioner is advised that the Notice of Incomplete Provisional Application also required a coversheet to be filed. The coversheet was not found with the petition, but is required in order for the application to be considered a provisional application under 37 CFR 1.53(c).

The application file will be directed to the Office of Initial Patent Examination for further processing with a filing date of December 28, 2005, using the 2 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

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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JAN 11 2007

OFFICE OF PETITIONS

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

In re Application of :
Jeffrey L. McKinstry, et al. :
Application No. 60/754,229 : DECISION GRANTING PETITION
Filed: December 28, 2005 :
Atty Docket No. NSRF-01009US0 :

This is a decision on the petition filed November 3, 2006, requesting that the above-identified application be accorded a filing date of December 28, 2005, instead of the presently accorded date of December 27, 2005.

Petitioner request the later filing date on the basis that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on December 28, 2005. In support, petitioner provides, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EV 452 820 165 US showing a "date in" of December 28, 2005 . 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 December 28, 2005.

The petition is granted.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **December 28, 2005**.

Telephone inquires related to this decision may 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

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
60/754,462	12/27/2005		1200	VPI/05-202 Prov.			

CONFIRMATION NO. 6177

CORRECTED FILING RECEIPT

OC000000018211706

1473
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK, NY 10020-1105

Date Mailed: 03/07/2006

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).**

Applicant(s)

Frederick van Goor, San Diego, CA;
Ashvani Singh, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number **1473**.

If Required, Foreign Filing License Granted: 01/18/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/754,462

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Compounds useful in CFTR assays and methods therewith

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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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

COPY MAILED

APR 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Sadler et al.	:	
Application No. 60/755,033	:	ON PETITION
Filed: December 29, 2005	:	
Attorney Docket No. RORO-262	:	

This is a decision on the petition filed February 21, 2006, requesting that the above-identified application be accorded a filing date of December 29, 2005, rather than the presently accorded date of December 30, 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 December 29, 2005, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 723356528 US, showing an incorrect handwritten "date-in" of "December 30, 2005." The same Express Mail receipt number appears on the original "Provisional Application For Patent Cover Sheet." Applicant has submitted a copy of the Pick Up Service Statement, showing the date of pickup as "December 29, 2005," which includes Express Mail label No. EV 723356528 US.

Therefore, in view of above evidence, it is concluded that the application was deposited in Express Mail service on December 29, 2005.

The petition is **GRANTED**.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 29, 2005, along with a corrected filing receipt.**

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

Frances Hicks
Petitions Examiner
Office of Petitions

OIPE
FEB 21 2006
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application: Keith Sadler, et al.	)	Before the Examiner N/A
Application No. 60/755,033	)	
Filed December 30, 2005	)	Our Ref.: RORO-262
IMPROVED FIRST STAGE TURBINE AIRFOIL	)	

PETITION UNDER 37 C.F.R. §1.10(d)

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

Sir:

The Applicants' Representative filed the above-application by Express Mail on December 29, 2005. The United States Patent Office Representative picked the correspondence up at our office at 5:00 PM on December 29, 2005 and signed the United States Post Office Pickup Service Statement. A copy of the executed United States Post Office Pickup Service Statement is included in Appendix A. The correspondence was deposited with the Express Mail Post Office Service prior to the last scheduled pickup for that day and each of the papers that constitute the correspondence included the Express Mail mailing label number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date printed below.

John H. Allie
Name of Registered Representative

Signature

Feb 17, 2006
Date of Signature

This request is being filed promptly upon the undersigned becoming aware that the United States Patent Office will accord a filing date based upon an incorrect entry by the United States Postal Service. A copy of the Customer Copy of the Express Mail was received from the Postal Service and reflects a date in of December 30, 2005 and is set forth in Appendix B. Applicants' Representative respectfully requests that the United States Patent Office correct the error in recording the filing date to reflect the correct fling date of December 29, 2005. If there are any further questions please contact the undersigned.

Respectfully Submitted,

By: _____

John H. Allie, Reg. No. 39,088
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079
(317) 238-6268 voice
(317) 238-6371 facsimile

OIPE IAP22
FEB 21 2006
PATENT & TRADEMARK OFFICE

United States Postal Service

Pickup Service Statement
Express Mail, Global Express Guaranteed, Priority Mail, or Parcel Post

1. Customer Information

Customer Name

Company Name
KRIEG DEVAULT

Address 1
1 INDIANA SQ STE 2800

Address 2

City
INDIANAPOLIS

State
IN

Zip + 4
46204-2017

2. Product Information

	Quantity
Express Mail	1
Global Express Guaranteed	
Priority Mail	
Parcel Post (Domestic or International)	
Estimated total weight of all packages (In pounds)	05

3. Payment Method

- ☐ Check made payable to "Postmaster"
- ☐ Merchandise Return Label
- ☐ Express Mail Corporate Account No. or Federal Agency No.
  X452089
- ☐ Postage Due Account
- ☐ Stamps or Metered Postage *(Affix at right)*

4. Affix Stamps or Meter Strip Here *(If applicable)*

EV733356528US
R080-262

731

5. Customer Signature

6. USPS Signature

7. Date & Time of Pickup
12/29/05 5pm

PS Form 5541C October 2001

2 - Customer

APPENDIX A

OIPE IAP22
FEB 21 2006
PATENT & TRADEMARK OFFICE

EV 723356528 US

Customer Copy
Label 11-F, April 2004

EXPRESS MAIL
UNITED STATES POSTAL SERVICE

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code: 46251	Day of Delivery: ☒ Next ☐ 2nd ☐ 2nd Del. Day	Postage: $ 13.65
Date Accepted: 2 30 05 (Mo. Day Year)	Scheduled Date of Delivery: Month Day	Return Receipt Fee: $
Time Accepted: 1015 ☒ AM ☐ PM	Scheduled Time of Delivery: ☒ Noon ☐ 3 PM	COD Fee: $ / Insurance Fee: $
Flat Rate ☐ or Weight: lbs. 0.5 ozs.	Military: ☐ 2nd Day ☐ 3rd Day	Total Postage & Fees: $ 13.65
	Int'l Alpha Country Code	Acceptance Emp. Initials: W

DELIVERY (POSTAL USE ONLY)

Delivery Attempt: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature
Delivery Attempt: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature
Delivery Date: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature

☐ WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Corporate Acct. No. X462069 DDRO-262

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

FROM: (PLEASE PRINT) PHONE (317) 636 4341

KRIEG-DEVAULT
1 INDIANA SQ STE 2800
INDIANAPOLIS IN 46204-2017
USA

CHH-10409

TO: (PLEASE PRINT) PHONE ( )

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COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

FOR PICKUP OR TRACKING: Visit www.usps.com or Call 1-800-222-1811

EMS

APPENDIX B

15866 U.S. PTO 123005

PTO/SB/16 (10-05)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROVISIONAL APPLICATION FOR PATENT COVER SHEET – Page 1 of 2

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. EV723356528US

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Keith	Sadler	Ashley Down, Bristol, England
Andrew Thomas	Napper	Ferry Street, Bristol, England

Additional inventors are being named on the _____ *separately numbered sheets attached hereto*

11968 U.S. PTO 60/755033 123005

TITLE OF THE INVENTION (500 characters max):

IMPROVED FIRST STAGE TURBINE AIRFOIL

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☑ The address corresponding to Customer Number: 54,621

OR

☐ Firm or Individual Name

Address

City	State	Zip
Country	Telephone	Email

ENCLOSED APPLICATION PARTS ***(check all that apply)***

☐ Application Data Sheet. See 37 CFR 1.76
☐ CD(s), Number of CDs _____
☑ Specification *Number of Pages* 23
☐ Other (specify) _____
☑ Drawing(s) *Number of Sheets* 9

Fees Due: Filing Fee of $200 ($100 for small entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

METHOD OF PAYMENT OF THE FILING FEE AND APPLICATION SIZE FEE FOR THIS PROVISIONAL APPLICATION FOR PATENT

☐ Applicant claims small entity status. See 37 CFR 1.27.
☐ A check or money order is enclosed to cover the filing fee and application size fee (if applicable).
☑ Payment by credit card. Form PTO-2038 is attached
☑ The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to Deposit Account Number: 12-2424. A duplicative copy of this form is enclosed for fee processing.

200.00
TOTAL FEE AMOUNT ($)

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

IMPROVED FIRST STAGE TURBINE AIRFOIL

Field of the Invention

The present invention relates to improved airfoil geometry, and more particularly to a high efficiency turbine airfoil for a gas turbine engine.

Background

Gas turbine engine designers continuously work to improve engine efficiency, to reduce operating costs of the engine, and to reduce specific exhaust gas emissions such as NOx, CO2, CO, unburnt hydrocarbons, and particulate matter. The specific fuel consumption (SFC) of an engine is inversely proportional to the overall thermal efficiency of the engine, thus, as the SFC decreases the fuel efficiency of the engine increases. Furthermore, specific exhaust gas emissions typically decrease as the engine becomes more efficient. The thermal efficiency of the engine is a function of component efficiencies, cycle pressure ratio and turbine inlet temperature. The present invention contemplates increased thermal efficiency for a gas turbine engine by improving turbine efficiency through a new aerodynamic design of the first stage turbine airfoil.

Summary

The present invention provides an airfoil having an external surface with first and second sides. The external surface extends spanwise between a hub and a tip and streamwise between a leading edge and a trailing edge of the airfoil. The external surface includes a contour substantially defined by Table 1 as listed in the specification.

In another aspect of the present invention, a turbine blade for a gas turbine engine can be formed with a platform having an upper surface and a lower surface. The upper surface of the platform can partially define an inner flow path wall and the lower surface of the platform can have a connecting joint extending radially inward from the platform. The root of the blade is connectable to a rotatable disk, wherein the rotatable disk has an axis of rotation along a longitudinal axis of the gas turbine engine. An airfoil can extend radially outward from the upper surface of the platform relative to the axis of

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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

COPY MAILED
AUG 22 2006
OFFICE OF PETITIONS

In re Application of :
Hurst et al. :
Application No. 60/755,041 : ON PETITION
Filed: December 29, 2005 :
Attorney Docket No. RORO-263 :

This is a decision on the petition filed February 21, 2006, requesting that the application be accorded a filing date of December 29, 2005, rather than the presently accorded filing date of December 30, 2005.

Petitioners request the earlier filing date on the basis that the United States Postal Service (USPS) picked up the application on December 29, 2005, for Express Mail Delivery to the United States Patent and Trademark Office (USPTO). Nevertheless, the "date-in" indicated on Express Mail label No. EV723356545US is December 30, 2005.

In support of the assertion, the petition is accompanied by a USPS Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post, which indicates that a USPS employee accepted a package bearing Express Mail label No. EV723356545US on December 29, 2005, at 5:00 PM, as evidenced by the USPS employee's signature. The same Express Mail label number was placed on the original transmittal sheet located in the official file.

In view of corroborating evidence submitted by petitioners, the petition is granted.

The Office of Initial Patent Examination is directed to correct the filing date to December 29, 2005, and to mail a corrected filing receipt.

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

Christina T. Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 22 2006

OFFICE OF PETITIONS

KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

In re Application of :
Jay et al. :
Application No. 60/755,042 : ON PETITION
Filed: December 29, 2005 :
Attorney Docket No. RORO-265 :

This is a decision on the petition filed February 21, 2006, requesting that the application be accorded a filing date of December 29, 2005, rather than the presently accorded filing date of December 30, 2005.

Petitioners request the earlier filing date on the basis that a United States Postal Service (USPS) employee picked up the application on December 29, 2005, for Express Mail Delivery to the United States Patent and Trademark Office (USPTO) before the last scheduled pickup for the day. Nevertheless, the "date-in" on Express Mail label No. EV723356562US is December 30, 2005.

In support of the assertion, the petition is accompanied by a USPS Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post, which indicates that a USPS employee accepted a package bearing Express Mail label No. EV723356562US on December 29, 2005, at 5:00 PM, as evidenced by the USPS employee's signature. The same Express Mail label number was placed on the original transmittal sheet located in the official file.

In view of corroborating evidence submitted by petitioners, the petition is granted.

The Office of Initial Patent Examination is directed to correct the filing date to December 29, 2005, and to mail a corrected filing receipt.

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

Christina T. Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

COPY MAILED

JUN 1 2 2006

OFFICE OF PETITIONS

In re Application of :
Chad E. Johnson :
Application No. 60/755,173 : ON PETITION
Filed: December 29, 2005 :
Attorney Docket No. 3006-1662 :

This is a decision on the petition under 37 CFR 1.10(d), filed January 6, 2006, requesting that the above-identified provisional application be accorded a filing date of December 29, 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 #EV746160918US) on December 29, 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 December 30, 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 December 29, 2005.

In support, the petition is accompanied by a copy of the USPS "Pickup Service Statement" that indicates the item with Express Mail label no. EV746160918US was placed into Express Mail service on December 29, 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 December 29, 2005.

Accordingly, the application is entitled to a filing date of December 29, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 29, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

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JUN 12 2006
OFFICE OF PETITIONS

In re Application of :
Chad E. Johnson :
Application No. 60/755,173 : ON PETITION
Filed: December 29, 2005 :
Attorney Docket No. 3006-1662 :

This is a decision on the petition filed February 27, 2006 and supplemented on March 27, 2006, requesting that the above identified provisional application be accorded a filing date of December 29, 2005.

The provisional application was deposited on December 29, 2005. However, on January 20, 2006, 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 December 29, 2005, includes the description of Figures 1-14.

In response to the Notice, on February 27, 2006, the instant petition was filed.

Petitioner states, in pertinent part:

"[I]t is submitted that the drawings, to the extent omitted, were not necessary to an understanding of the invention under 35 USC Section 113."

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:

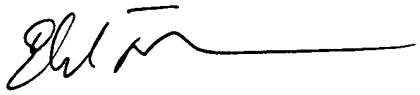
> "An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:
>
> > (A) at least one process claim including the term "process" or "method"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

The provisional application will be returned to the Office of Initial Patent Examination for processing with a filing date of December 29, 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

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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

COPY MAILED

MAR 15 2006

OFFICE OF PETITIONS

In re Application of :
Johnson, et al. :
Application No. 60/755,279 : ON PETITION
Filed: December 29, 2005 :
Attorney Docket No. 3006-1711 :

This is a decision on the petition under 37 CFR 1.10(d), filed January 6, 2006, requesting that the above-identified provisional application be accorded a filing date of December 29, 2005, rather than the presently accorded filing date of December 30, 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 #EV746160921US) on December 29, 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 December 30, 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 December 29, 2005.

In support, the petition is accompanied by a copy of the USPS "Pickup Service Statement for Express Mail" that indicates the item with Express Mail label no. EV746160921US was placed into Express Mail service on December 29, 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 December 29, 2005.

Accordingly, the application is entitled to a filing date of December 29, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 29, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/755,279	12/29/2005		200	3006-1711	9		

CONFIRMATION NO. 5383

30565
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

CORRECTED FILING RECEIPT

OC000000018314491

Date Mailed: 03/17/2006

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)

Chad E. Johnson, West Lafayette, IN;
Michael C. Hiles, Lafayette, IN;

Power of Attorney:

Kenneth Gandy--33386

If Required, Foreign Filing License Granted: 01/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/755,279

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Implantable graft material

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

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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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ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204-29079

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APR 26 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sheffield :
Application No. 60/755,497 :
Filed: December 30, 2005 :
Attorney Docket No. RORO-266 :
For: IMPROVED THIRD STAGE TURBINE AIRFOIL

This is a decision on the petition filed February 21, 2006 (certificate of mailing date February 17, 2006) under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 29, 2005, rather than the presently accorded filing date of December 30, 2005.

The petition under 37 CFR 1.10(d) is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was deposited in Express Mail service on December 29, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a USPS Pickup Service Statement showing that the package associated with EV723356576US was accepted by the USPS on December 29, 2005. The same Express Mail label number is found on the original Provisional Application for Patent Cover Sheet. The "date-in" on the Express Mail label in question is "12 30 05".

Paragraph (d) of 37 CFR 1.10 states that:

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

deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed February 21, 2006, (certificate of mailing date February 17, 2006), is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 29, 2005 and the mailing of a corrected filing receipt.

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

E. Shirene Willis
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
60/755,497	12/29/2005		200	RORO-266	9		

CONFIRMATION NO. 3386

54621
KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204-2079

CORRECTED FILING RECEIPT

OC000000018654163

Date Mailed: 05/01/2006

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

Applicant(s)

Mark Sheffield, Clevedon, UNITED KINGDOM;

Power of Attorney:

John Allie--39088

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Third stage turbine airfoil

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.

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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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INDIANAPOLIS, IN 46204-29079

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APR 26 2006

OFFICE OF PETITIONS

In re Application of :
Saltman, et al. :
Application No. 60/755,498 :
Filed: December 30, 2005 :
Attorney Docket No. RORO-261 :
For: IMPROVED AIRFOIL FOR A FIRST STAGE NOZZLE GUIDE VANE

ON PETITION

This is a decision on the petition filed February 21, 2006 (certificate of mailing date February 17, 2006) under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 29, 2005, rather than the presently accorded filing date of December 30, 2005.

The petition under 37 CFR 1.10(d) is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was deposited in Express Mail service on December 29, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a USPS Pickup Service Statement showing that the package associated with EV723356531US was accepted by the USPS on December 29, 2005. The same Express Mail label number is found on the original Provisional Application for Patent Cover Sheet. The "date-in" on the Express Mail label in question is "12 30 05".

Paragraph (d) of 37 CFR 1.10 states that:

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

deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed February 21, 2006, (certificate of mailing date February 17, 2006), is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 29, 2005 and the mailing of a corrected filing receipt.

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

E. Shirene Willis
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
60/755,593	12/30/2005		250	11.071011 PR	3		

CONFIRMATION NO. 3213

UPDATED FILING RECEIPT

OC000000018321996

23639
BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO, CA 94111-4067

Date Mailed: 03/20/2006

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

Applicant(s)

Peter Albany, Groton, MA;

Power of Attorney: The patent practitioners associated with Customer Number **23639**.

If Required, Foreign Filing License Granted: 01/18/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/755,593

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Using a unique number with encoded data key to ensure system is using authorized product

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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

COPY MAILED
AUG 18 2006
OFFICE OF PETITIONS

In re Application of :
Samuel John Clarke :
Application No. 60/755,673 : DECISION ON PETITION UNDER
Filing Date: December 29, 2005 : 37 C.F.R. §1.10(D)
Attorney Docket No. RORO-264 :
Title: AIRFOIL FOR A THIRD :
STAGE NOZZLE GUIDE VANE :

This is a decision on the petition under 37 C.F.R. §1.10(d), filed February 21, 2006, requesting the according of a filing date of December 29, 2005 to application number 60/755,673.

The application was deposited on December 29, 2005. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 60/755,673 had been accorded a filing date of December 30, 2005.

With the present petition, Petitioner has included a copy of the Express Mail label number EV723356559US[1].

Petitioner has alleged that the application was deposited on December 29, 2005, and the Patent Office has incorrectly assigned a filing date of December 30, 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 December 30, 2005. Petitioner has asserted that this information was incorrectly entered, and the field should indicate that the package was received by the USPS on December 29, 2005.

1 Both the specification and the Utility Patent Application Transmittal sheet have been located in the electronic file, and it is noted that each 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 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 copy of the USPS Pickup Service Statement, which establishes that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for December 29, 2005. Thus, it is clear that the USPS had possession of this package on this date.

Although the application received a filing date of December 30, 2005, the evidence is convincing that the application papers were filed on December 29, 2005, and the Patent Office assigned the incorrect date to the application, based on the incorrect entry which appears on the Express Mail label. Therefore, the application was entitled to a filing date of December 29, 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 December 29, 2005, as well as the mailing of a corrected filing receipt.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

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
60/756,300	01/05/2006		200	1370.091PRV	4		

CONFIRMATION NO. 6822

CORRECTED FILING RECEIPT

OC000000018133767

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

Date Mailed: 02/24/2006

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

Applicant(s)

Rex Fernando, San Jose, CA;
Dheerendra Talur, Fremont, CA;
Pradosh K. Mohapatra, Walnut Creek, CA;
Paul A. Jensen, Morrisville, NC;

Power of Attorney:
Bradley Forrest--30837

If Required, Foreign Filing License Granted: 01/20/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/756,300

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Route dependency selective route download

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).

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OFFICE OF PETITIONS

BOZICEVIC FIELD & FRANCES LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

In re Application of :

LADUCA, et al. :
Application No. 60/756,445 : DECISION ON PETITION
Filed: January 4, 2006 : TO WITHDRAW
Attorney Docket No. DEMP-007PRV : 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 July 26, 2006.

The request is **APPROVED**.

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

The request was signed by Karl Bozicevic on behalf of all attorneys of record who are associated with customer No. 24353. All attorneys/agents associated with the Customer Number 24353 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant. The Notice of Acceptance of Power of Attorney mailed October 5, 2006 is hereby **VACATED**.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **Robert LaDuca**
2829 Mission Street
Santa Cruz, CA 95060

cc: **Levine Bagade Han LLP**
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/756,446	01/05/2006		100	1127-B-PRO	8		

CONFIRMATION NO. 9507

CORRECTED FILING RECEIPT

OC000000018475711

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

Date Mailed: 04/06/2006

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)

Yun Kau Tam, Yuen Long, HONG KONG;
Douglas Thacher Ridgway, Edmonton, CANADA;
Christopher Mark Diaper, Edmonton, CANADA;
James Lin, Edmonton, CANADA;
Brian Duff Sloley, Edmonton, CANADA;

Power of Attorney:

Albert Chan–36479

If Required, Foreign Filing License Granted: 01/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/756,446

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

Development of prodrugs possessing a nitric oxide donor diazen-1-ium-1,2-diolate moiety using in vitro/in silico predictions

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
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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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Time In ☐ AM ☐ PM	Military ☐ 2nd Day ☐ 3rd Day	Return Receipt Fee Rate	Delivery Date Mo. Day	Time ☐ AM ☐ PM	Employee Signature
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FROM: (PLEASE PRINT) PHONE 718 357 8836

ALBERT WAI-KIT CHAN
LAW OFFICES OF
ALBERT WAI-KIT CHAN, LLC
WORLD PLAZA STE 504
14107 20TH AVE
WHITESTONE NY 11357-3097

Dkt # 1127-B-PRO

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Application

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Alexandria, VA 22313-1450
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CHERNOFF, VILHAUER, MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204-3157

COPY MAILED

FEB 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Byrd et al.	:	DECISION ON PETITION
Application No. 60/756,459	:	TO WITHDRAW
Filed: January 4, 2006	:	FROM RECORD
Attorney Docket No. 8809.0001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2006.

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).

While J. Douglas Wells submitted the above-identified application, he was never given power of attorney.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed pursuant to 37 CFR 1.33(a)(1) and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

Cc: RANDEL L. BYRD
169 N. HAYDEN BAY DRIVE
PORTLAND, OR 97217

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United States Patent and Trademark Office
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

COPY MAILED
JUN 2 0 2006
OFFICE OF PETITIONS

In re Application of :
Jeff Fiferlick : DECISION ON PETITION
Application No. 60/756,851 :
Filed: January 6, 2006 :
Atty Docket No. 2176.002PRV :

This is a decision on the "PETITION UNDER §1.182" filed March 3, 2006. Petitioner requests, in essence, that the above-identified application be accorded a filing date of January 6, 2006, with figure 13 considered a part of the original application disclosure.

Application papers in the above-identified application were filed on January 6, 2006. However, on February 6, 2006, the Office mailed a "Notice of Omitted Item(s) in a Provisional Application," advising applicant that the application papers had been accorded a filing date; however, figure 13 described in the specification appeared to have been omitted.

In response, applicant timely filed the instant petition. Applicant contends that figure 13 was in fact deposited in the PTO with the application papers. In support thereof, applicant submitted a copy of their return postcard from the USPTO. Applicant also submitted a copy of all 10 pages of drawings.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received by the Office on January 6, 2006 and the papers filed therewith assigned provisional application No. 60/756,851; 2) it specifically identifies the items being filed,

including "10 Sheets of Drawings" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted were filed on January 6, 2006.

The application papers already considered received in the Office on January 6, 2006, were reviewed along with figure 13 submitted on petition. These papers together constitute the items described on the postcard receipt as "10 Sheets of Drawings." It is noted that this includes duplicate sheets of figure 13. It is concluded that petitioner has shown that figure 13 was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 19-0743, as authorized.

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

- reprocessing with a filing date of January 6, 2006, using the application papers received in the Office and presently accorded that date; and figure 13 re-supplied on petition filed March 3, 2006.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/756,929	01/05/2006		200	874.0142.P1(US)	14		

CONFIRMATION NO. 2560

CORRECTED FILING RECEIPT

OC000000018303735

29683
HARRINGTON & SMITH, LLP
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

Date Mailed: 03/17/2006

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)

Tsuyoshi Kashima, Yokohama, JAPAN;
Vinh Van Phan, Oulu, FINLAND;

Power of Attorney:

Harry Smith--32493

If Required, Foreign Filing License Granted: 01/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/756,929

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Apparatus, method and computer program product to provide control signaling procedure for unregistered logical flows over the radio interface in cellular packet access network

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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AUG 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Sadra et al. :
Application No. 60/757398 :
Filed: 01/10/2006 : ON PETITION
Attorney Docket Number: 8940.6197 :

This is a decision on the Petition and Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed April 20, 2006. The response is properly treated as a petition under 37 CFR 1.182. The delay in treating this petition is regretted.

Background

The application was filed on January 10, 2006. On March 6, 2006, 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 6, 9 and 10 described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition and postcard receipt which Applicant asserts provides prima facie evidence that Figures 6, 9 and 10 were included among "12 drawings on 27 pages" filed with the application on January 10, 2006. In support of this assertion, Applicant files a copy of the return-receipt postcard, and copies of Figures 6A, 6B, 6C, 9A, 9B, 9C, 10A, 10B, 10C, 10D, 10E and 10F.

Review of the application file

A review of the application file reveals that the specification refers to Figures 6, 9 and 10 on pages 6-8 therein. A review of the drawings received in this Office on January 10, 2006 reveals that this Office received 27 drawing pages, including Figures 6A, 6B, 6C, 9A, 9B, 9C, 10A, 10B, 10C, 10D, 10E and 10F. However, no Figure 6, 9 or 10 was received in this Office on January 10, 2006.

Analysis and conclusion

It is clear from Office records and the petition that no Figures 6, 9 or 10 were filed with the application on January 10, 2006. As such, the Notice was correct in stating that Figures 6, 9 and 10 described in the specification appeared to have been omitted from the application.

In view of the foregoing, the petition is dismissed.

The petition fee will not be refunded since the petition was not necessitated by an error on the part of this Office.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 10, 2006, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions

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APR 14 2006

OFFICE OF PETITIONS

In re Application of :
Wyrobnik, et al : ON PETITION
Application No.: 60/757,413 :
Deposited: January 10, 2006 :
Attorney Docket No.: N/A :
For: MITTEL ZUR VERMINDERUNG
DES VERWERTBAREN KALORIENGEHALTS
DER NAHRUNG UND ZUR
THERAPEUTISCHEN GEWICHTSABNAHME,
INSBESONDERE ZUR ANWENDUNG BEI
ADIPOSITAS (FETTSUCHT)

This is a decision on the petition, filed March 17, 2006 and supplemented on March 29, 2006, requesting that the Office accord a January 10, 2006 filing date to the above-identified application. The petition should be treated under 37 CFR 1.53(e).

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

The petition will not be treated at this time because it is not signed by a proper party. Any petition must be signed by either (1) all the named inventors, (2) the owner of the invention (the assignee), (3) a registered attorney or agent of record, duly appointed by the inventors or owners, or (4) a registered attorney or agent not of record, acting in a representative capacity. 37 CFR 1.33 (b).

Only Isaac Harry Wyrobnik has signed the petition. There are two inventors listed on the provisional cover sheet. Daniel Henry Wyrobnik, the other listed inventor, must sign the petition, as well.

Please file a reconsideration petition signed by both inventors promptly. No additional petition fee is required.

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

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

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

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

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

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 26 2006
OFFICE OF PETITIONS

In re Application of :
Isaac Wyrobnik and Daniel Wyrobnik :
Application No. 60/757,413 : Decision on Petition
Deposited: January 10, 2006 :
For: Mittel Zur Verminderung Des :
Verwertbaren Kaloriengehalts ... :

This is a decision in response to the letter filed April 21, 2006, which is being treated as a request for reconsideration under 37 CFR 1.53(e).

The petition is **granted**.

The application will be accorded a filing date of January 10, 2006.

Facts:

The two inventors submitted four applications on January 10, 2006. The applications were assigned the following application numbers:

60/757,413
60/757,414
60/757,424
60/757,425

Each application's transmittal sheet indicated the application included 1 drawing sheet. Each application is written in German.

A Notice of Incomplete Provisional Application was mailed for each application.

A petition was filed for each application. The petition was signed by only one of the two inventors. Specifically, Isaac Harry Wyrobnik signed each petition.

A status inquiry letter was filed for application nos. 60/757,424 and 60/757,425. The status letter was filed *prior to* a decision being rendered for either application. Daniel Harry Wyrobnik

signed the status letter. The status letter resulted in the Office having at least one paper signed by each inventor. The petitions for these two applications were both granted.

Unfortunately, a status letter, signed by Daniel Harry Wyrobnik, was not filed for the instant application. As a result, the petition filed for the instant application was dismissed. The decision stated the petition was signed by only one of the two inventors and instructed applicants to submit a copy of the petition signed by both inventors.

A request for reconsideration, signed by both inventors, was filed April 21, 2006.

Discussion:

The petition states applicants never intended to file any drawings and stated drawings were not necessary for an understanding of the invention.

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, the application will be accorded a filing date of January 10, 2006.

The petition fee will not be refunded because petitioner has failed to establish the Office of Initial Patent Examination (OIPE) acted incorrectly. The transmittal sheet, *filed by applicants*, incorrectly indicated the application contained one drawing sheet. If the specification had been in English, a refund *might* be appropriate based on a conclusion that OIPE should have concluded a filing date was warranted after a review of the contents of the specification. However, OIPE was unable to review the contents of the specification since the entire application was in German. Therefore, OIPE did not act incorrectly when it mailed the Notice of Incomplete Application and a refund of the petition fee would be inappropriate.

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of **January 10, 2006**, and will take steps to ensure Office records indicate "0" sheets of drawings were present on filing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APR 14 2006

OFFICE OF PETITIONS

In re Application of :
Wyrobnik, et al : ON PETITION
Application No.: 60/757,414 :
Deposited: January 10, 2006 :
Attorney Docket No.: N/A :
For: MITTEL ZUR ANWENDUNG BEI
FRUCTOSEINTOLERANZ

This is a decision on the petition, filed March 17, 2006 and supplemented on March 29, 2006, requesting that the Office accord a January 10, 2006 filing date to the above-identified application. The petition should be treated under 37 CFR 1.53(e).

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

The petition will not be treated at this time because it is not signed by a proper party. Any petition must be signed by either (1) all the named inventors, (2) the owner of the invention (the assignee), (3) a registered attorney or agent of record, duly appointed by the inventors or owners, or (4) a registered attorney or agent not of record, acting in a representative capacity. 37 CFR 1.33 (b).

Only Isaac Harry Wyrobnik has signed the petition. There are two inventors listed on the provisional cover sheet. Daniel Henry Wyrobnik, the other listed inventor, must sign the petition, as well.

Please file a reconsideration petition signed by both inventors promptly. No additional petition fee is required.

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

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401 Dulany Street
Alexandria, VA 22314

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

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

E. Shirene Willis
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Isaac Wyrobnik and Daniel Wyrobnik :
Application No. 60/757,414 : Decision on Petition
Filing Date: January 10, 2006 :
For: Mittel Zur Anwendung Bei :
Fructoseintoleranz :

This is a decision in response to papers filed August 3, 2006. The papers are being treated as a petition under 37 CFR 1.181 to withdraw Notice of Termination and as a renewed petition under 37 CFR 1.53(e)."

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

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

The petition under 37 CFR 1.181:

A petition under 37 CFR 1.53(e) was dismissed on April 14, 2006.

Petitioner has established a reply was filed April 21, 2006.

The reply was not matched with the file.

A Notice of Termination of Proceedings was mailed July 10, 2006.

Since applicants have demonstrated a reply was timely filed on April 21, 2006, the Notice of Termination of Proceedings is vacated and withdrawn.

The petition under 37 CFR 1.53(e)

The petition states applicants never intended to file any drawings and stated drawings were not necessary for an understanding of the invention.

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, the application will be accorded a filing date of April 21, 2006.

The petition fee will not be refunded because petitioner has failed to establish the Office of Initial Patent Examination (OIPE) acted incorrectly. The transmittal sheet, *filed by applicants*, incorrectly indicated the application contained one drawing sheet. If the specification had been in English, a refund *might* be appropriate based on a conclusion that OIPE should have concluded a filing date was warranted after a review of the contents of the specification. However, OIPE was unable to review the contents of the specification since the entire application was in German. Therefore, OIPE did not act incorrectly when it mailed the Notice of Incomplete Application and a refund of the petition fee would be inappropriate.

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of January 10, 2006, and will take steps to ensure Office records indicate "0" sheets of drawings were present on filing.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Wyrobnik, et al. :
Application No. 60/757,424 : DECISION ON PETITION
Filed: January 10, 2006 :

This is a decision on the petition filed March 17, 2006, to accord the above-identified application a filing date of January 10, 2006.

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

Application papers in the above-identified application were filed on January 10, 2006, without drawings. The transmittal page itemized 1 sheet of drawings as enclosed. The specification was in a foreign language, and no translation was provided. On February 8, 2006, the Office of Initial Patent Examination mailed applicants 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 response, applicant filed the instant petition.

Petitioner argues that drawings are not necessary for the understanding of the subject matter sought to be patented in the above application, and request that the application be accorded a filing date of January 10, 2006.

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

MPEP § 601.01(f) also states that:

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

Petitioner has yet to provide a English language translation of the provisional application. However, based upon petitioner's statement that no drawings are required for an understanding of the invention, the provisional application will be accorded the January 10, 2006 filing date. Drawings will not be considered as a part of this case.

Accordingly, the petition is **granted** to the extent that the application will be accorded the January 10, 2006 filing date with no drawings as a part of the original disclosure of the application.

However, as the present petition was not due to USPTO error, the petition fee will not be refunded.

The matter is being forwarded to the Office of Initial Patent Examination for correction of the filing date to January 10, 2006.

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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FRANKFURT AM MAIN HESSEN 60318
GERMANY

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OFFICE OF PETITIONS

In re Application of :
Wyrobnik, et al. :
Application No. 60/757,425 : DECISION ON PETITION
Filed: January 10, 2006 :

This is a decision on the petition filed March 17, 2006, to accord the above-identified application a filing date of January 10, 2006.

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

Application papers in the above-identified application were filed on January 10, 2006, without drawings. The transmittal page itemized 1 sheet of drawings as enclosed. The specification was in a foreign language, and no translation was provided. On January 23, 2006, the Office of Initial Patent Examination mailed applicants 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 response, applicants filed the instant petition.

Petitioner argues that drawings are not necessary for the understanding of the subject matter sought to be patented in the above application, and requests that the application be accorded a filing date of January 10, 2006.

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

MPEP § 601.01(f) also states that:

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

Petitioner has yet to provide a English language translation of the provisional application. However, based upon petitioner's statement that no drawings are required for an understanding of the invention, the provisional application will be accorded the January 10, 2006 filing date. Drawings will not be considered as a part of this case.

Accordingly, the petition is **granted** to the extent that the application will be accorded the January 10, 2006 filing date with no drawings as a part of the original disclosure of the application.

However, as the present petition was not due to USPTO error, the petition fee will not be refunded.

The matter is being forwarded to the Office of Initial Patent Examination for correction of the filing date to January 10, 2006.

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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Unovo. Inc
1095 Folsom Street
San Francisco CA 94103

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SEP 12 2008

In re Application of :
Alipour et al. :
Application No. 60/757698 : DECISION
Filing or 371(c) Date: 01/10/2006 : ON PETITION
Title of Invention: :
RETRACTABLE CONTAINER LABEL :

This is a decision on the petition to revive a patent application unintentionally abandoned under 37 CFR 1.137(b), filed May 19, 2008.

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

Background

The above-identified application is a provisional application filed on January 10, 2008, and which expired by operation of law one year thereafter.

The applicable statute, 35 U.S.C. 111(b), states:

> (5) ABANDONMENT. —Notwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to section 119(e)(3) of this title, if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period.

Analysis and conclusion

A review of the file reveals that no request to treat this application as an application filed under subsection (a) (to treat the application as a nonprovisional application). Since no request has been made, the application, according to the statute, is abandoned and may not be revived.

Petitioner is reminded that the use of "shall" appears in 35 USC § 111. It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991). That is, it is mandatory that

the application is abandoned 12 months after the application was filed. The language of the statute does not permit the Director any discretion with respect to the status of the application.

The present petition to revive the application is therefore dismissed as inappropriate.

Applicant is advised that a list of registered practitioners is available at www.uspto.gov/main/patents. Applicant is further advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application.

Telephone inquiries concerning this decision only should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

Derek L. Woods
Attorney
Office of Petitions

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Commissioner for Patents
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BAYTOWN TX 77522-2149

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JUN 01 2007

OFFICE OF PETITIONS

In re Application of
Ficus et al.
Application No. 60/757,707
Filed: January 9, 2006

Attorney Docket Number: 2006B004
Title of Invention: Films Incorporating Polymeric Material Combinations, Articles Made Therefrom, and Methods of Making Such Films and Articles

: DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10 (d) filed on November 21, 2006, requesting that the above-identified application be accorded a filing date of January 10, 2006 rather than the presently accorded date of January 9, 2006.

Petitioners request the later filing date on the basis that the application was purportedly deposited in Express Mail service on January 10, 2006, pursuant to the requirements of 37 CFR 1.10. In support, petitioners supplied a copy of Express Mail label EV861700388US which bears a "date in" of January 9, 2006. The petition is also accompanied by a copy of the Utility Patent Application Transmittal form with the above-mentioned Express Mail number.

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)

[1] See 37 CFR 1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

A review of the copy of the Express Mail receipt EV861700388US indicates a "date in" of January 9, 2006. However, a review of the U.S. Postal Service's tracking system shows Express Mail package bearing label EV861700388US was accepted and enroute on January 10, 2006.

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

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **January 10, 2006** and issuance of a corrected Filing Receipt.

This matter will be referred to the Office of Initial Patent Examination for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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A PROFESSIONAL CORPORATION
4370 ALPINE ROAD SUITE 106
PORTOLA VALLEY, CA 94028

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OFFICE OF PETITIONS

In re Application of :
Gatto, et al. :
Application No. 60/758,509 : DECISION ON PETITION
Filed: January 12, 2006 :
Attorney Docket No. CYBS5997P :

This is a decision on the petition under 37 CFR 1.10 filed, January 27, 2006.

The petition is **dismissed.**

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

The instant petition was filed to correct what petitioner believed was an incorrect filing date accorded the above-cited application. Petitioner maintains that the correct filing date for the application should be January 11, 2006, not the currently accorded date of January 12, 2006. In support thereof, petitioner filed a copy of the Express Mail label EO916556087US showing a "date-in" of January 11, 2006, and a copy of the Office date-stamped postcard.

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

> (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;
>
> 2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and
>
> (3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.

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

Relative to item (2), the Express Mail Receipt tracking numbers cited on the application transmittal sheet filed January 12, 2006, differs from the tracking number found on the copy of the Express Mail receipt filed with the instant petition. The tracking number on the application transmittal sheet is EP916556087US. The tracking number on the copy of the Express Mail receipt filed with the instant petition is EO916556087US. Accordingly, item (2) above has not been satisfied.

Petitioner may wish to file a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.10(c)(2) as it appears that a typographical error may have been made when the tracking number was typed on the application transmittal sheet. The fee for the petition under 37 CFR 1.183 is $400.00.

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

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

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

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

YOUNG LAW FIRM
A PROFESSIONAL CORPORATION
4370 ALPINE ROAD SUITE 106
PORTOLA VALLEY, CA 94028

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MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Gatto, et al. :
Application No. 60/758,509 : DECISION ON PETITION
Filed: January 11, 2006 :
Attorney Docket No. CYBS5997P :

This is a decision on the renewed petition filed February 16, 2006, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of January 11, 2006, rather than the presently accorded filing date of January 12, 2006.

Petitioner maintains that the correct filing date for the application should be January 11, 2006, not the currently accorded date of January 12, 2006. In support thereof, petitioner filed a copy of the Express Mail label EO916556087US showing a "date-in" of January 11, 2006, and a copy of the Office date-stamped postcard. A petition under 37 CFR 1.10(c) was first filed on January 27, 2006, and dismissed by a decision mailed February 8, 2006. The decision noted that the Express Mail Receipt tracking numbers cited on the application transmittal sheet filed January 12, 2006, differed from the tracking number found on the copy of the Express Mail receipt filed with the petition. The tracking number on the application transmittal sheet is EP916556087US. The tracking number on the copy of the Express Mail receipt filed with the petition was EO916556087US.

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

> (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;
>
> 2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and
>
> (3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.

Petitioner is unable to meet the requirements of item (2) above because of an apparent typographical error in recording the Express Mail tracking number on the application transmittal sheet. It is noted, however, that 37 CFR 1.183 provides that:

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

The requirement of 37 CFR 1.10(c)(2) is suspended, *sua sponte*, as it is evident that the failure to included the same Express Mail tracking number on the application transmittal sheet as was found on the copy of the Express Mail label itself was due to a typographical error. The fee for the petition under 37 CFR 1.183 will be refunded, in due course.

In view of the above, the petition is granted. The new filing date for the above-cited application is January 11, 2006.

The Office of Initial Patent Examination will further process the application with a filing date of January 11, 2006, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
60/758,509	01/11/2006		100	CYBS5997P	10		

CONFIRMATION NO. 9138

CORRECTED FILING RECEIPT

OC000000018261683

22430
YOUNG LAW FIRM, P.C.
ALAN W. YOUNG
4370 ALPINE ROAD
SUITE 106
PORTOLA VALLEY, CA 94028

Date Mailed: 03/10/2006

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

Applicant(s)

Jean-Marie Gatto, London, UNITED KINGDOM;
Sylvie Linard, London, UNITED KINGDOM;
Thierry Brunet de Courssou, Henderson, NV;

Power of Attorney:
Alan Young--37970

If Required, Foreign Filing License Granted: 02/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/758,509

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

Chip-based gaming

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 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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AUG 14 2008

OFFICE OF PETITIONS

In re Application of:
SHAH, Hemal
Application No.: 60/758,586
Filed: January 12, 2006
Attorney Docket No.: 17040US01

DECISION GRANTING
PETITION

This is a decision on the petitions, filed January 12, 2007 and February 12, 2007, requesting that the above-identified application be accorded a filing date of January 12, 2006, rather than the presently accorded date of January 11, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on January 12, 2006. In support, the petition is accompanied by a copy of Express Mail receipt No. EV 164036235 US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of "1-12-06".

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on January 12, 2006.

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 January 12, 2006 and for issuance of a corrected filing receipt.

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/758,778	01/13/2006		250	50224-00035			

CONFIRMATION NO. 2512

CORRECTED FILING RECEIPT

OC000000018427719

ROBERT G. CROUCH
MARSH FISCHMANN & BREYFOGLE LLP
SUITE 411
3151 S. VAUGHN WAY
AURORA, CO 80014

Date Mailed: 03/30/2006

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)

Kevin Hsu, Taipei, TAIWAN;

Power of Attorney:

Robert Crouch--34806

If Required, Foreign Filing License Granted: 02/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/758,778

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Integrated snap and handling feature

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.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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APR 19 2006

OFFICE OF PETITIONS

In re Application of :
Nadzan et al. :
Application No. 60/758,831 :
Filed: January 13, 2006 :
Attorney Docket No. 2750-1668PUS1 :

DECISION ON PETITION

This is a decision on the petition filed March 16, 2006, requesting that the above-identified application be accorded a filing date of January 13, 2006.

On January 13, 2006, applicants deposited the above-identified application. On February 10, 2006, 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 January 13, 2006, describes drawings containing Figures 1-4; however, it appears the United States Patent and Trademark Office (Office) did not receive any drawings on filing.

In response, applicants filed the present petition and authorized payment of the petition fee. Applicants assert that drawings are not necessary for an understanding of the invention under the provisions of 35 U.S.C. § 113.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is 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.

This application contains at least one method claim. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the Notice of Incomplete Provisional Application mailed on February 10, 2006, was sent in error and is hereby withdrawn. The application will be accorded a filing date of January 13, 2006.

Accordingly, the petition is granted. The Office did not charge the Deposit Account for a petition fee, as it is unnecessary.

The Office of Initial Patent Examination is directed to accord the provisional application a filing date of January 13, 2006, with "0" sheets of drawings.

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

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AUG 29 2006

OFFICE OF PETITIONS

KAYE SCHOLER LLP
425 PARK AVENUE
NEW YORK, NY 10022-3598

In re Application of :
Jukka Matti Hirvonen :
Application No. 60/759,028 : ON PETITION
Filed: January 17, 2006 :
Attorney's Docket No. 28231.1002 :

This is a decision on the petition filed March 22, 2006 under 37 CFR 1.182 to correct the spelling of the inventor's name.

Petitioners request that the inventor's last name be corrected from "Hirvomen" to "Hirvonen".

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

This matter is being referred 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

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
P.O. Box 1450
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AUG 29 2006

OFFICE OF PETITIONS

KAYE SCHOLER LLP
425 PARK AVENUE
NEW YORK, NY 10022-3598

In re Application of :
Jukka Matti Hirvonen :
Application No. 60/759,029 : ON PETITION
Filed: January 17, 2006 :
Attorney's Docket No. 28231.1003 :

This is a decision on the petition filed March 22, 2006 under 37 CFR 1.182 to correct the spelling of the inventor's name.

Petitioners request that the inventor's last name be corrected from "Hirvomen" to "Hirvonen".

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

This matter is being referred 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

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
P.O. Box 1450
Alexandria, VA 22313-1450
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Scott A. McCollister, Esq.
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP
Seventh Floor
1100 Superior Avenue
Cleveland OH 44114-2579

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MAR 2 9 2007

OFFICE OF PETITIONS

In re Application of :
Michael KELLER :
Application No. 60/759,297 : ON PETITION
Filed: January 17, 2006 :
Attorney Docket No. YOUZ 2 00112 :

This is in response to the petition to withdraw the filing of the above-identified application, filed October 10, 2006, which is being treated as a petition under 37 CFR 1.183 requesting waiver of the requirements of 37 CFR 1.59.

The petition is **DISMISSED.**

Petitioner requests that the filing of the above-identified provisional application be withdraw as applicant does not wish to pursue patent protection for the subject matter set forth in the application.

37 CFR 1.59 states:

> (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.
>
> (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(g) 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.

37 CFR 1.183 states:

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

The issue at hand is not petitioner's decision not to pursue patent protection for the subject matter set forth in the application; rather it is whether petitioner has properly followed the statutes and regulations with the exercise of reasonable care and diligence herein. In the instant case, petitioner filed a provisional application under 35 U.S.C. 111(b) which formed an original disclosure. Withdrawal of the application filing would, in effect, be an expungement of the application. 37 CFR 1.59(a) precludes the expungement of original disclosure

Circumstances resulting from petitioners', or petitioners' counsel's, failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of relief. See, In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); In re Bird & Son, Inc. 195 USPQ 586, 588 (Comm'r Pats. 1977). Accordingly, failure to know and properly apply the rules of practice before the USPTO is not a basis for seeking waiver of the rules under 1.183.

No adequate basis is given or apparent for expunging the application, and the USPTO sees no reason to exercise its discretion to deviate from, or expand upon, the above long-established reasons for expungement. See, e.g., Saxbe v. Bustos, 419 U.S. 65, 74 (1974) (acknowledging an agency's right to maintain a "longstanding administrative construction").

Telephone inquiries regarding this decision should be directed to David Bucci at (571) 272-7099.

Brian Hearn
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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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

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AUG 23 2007

OFFICE OF PETITIONS

In re Application of
Geoffrey D. Mayernik et al
Application No. 60/759,363
Filed: January 17, 2006
Attorney Docket No. HCWS-02P

DECISION DISMISSING PETITION

This is a decision on the petition treated under 37 CFR 1.10(d), filed February 20, 2007, requesting that the above-identified application be accorded a filing date of January 17, 2006, rather than the presently accorded date of January 16, 2006.

The petition is **GRANTED**.

Under 37 CFR 1.10(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.

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. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail. 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. Conversely, evidence 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 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") cannot be accepted under the terms of the rule.

Petitioner requests the later filing date on the basis that the application was purportedly deposited in Express Mail service on January 17, 2006, pursuant to the requirements of 37 CFR 1.10. In support, the petition is accompanied by the "Certificate of Express Mailing, the Cover page of the Application, the above-identified check, the incorrect Express Mail receipt, the returned postcard and the original Filing Receipt with the correction noted."

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition 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 placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) 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 fails to comply with item (3), since petitioner has not submitted the type of evidence, as set forth above, to establish that the Express Mail package for this application was in fact deposited with the USPS Express Mail service on January 17, 2006. However, the undersigned has made an independent inquiry of the USPS Track & Confirm record for Express Mail label No. EV486547928US, the same Express Mail label number appearing on the cover sheet of record on filing this provisional application, which disclosed that the Express Mail package at issue was deposited as Express Mail – Post Office to Addressee service at the Cincinnati, Ohio USPS on January 17, 2006.

In view of the independent verification from the Track & Confirm record that this application was entrusted to the USPS on January 17, 2006, this application is entitled to a filing date of January 17, 2006 and has been so accorded.

A Corrected Filing Receipt has been mailed under separate cover.

Telephone inquiries concerning this matter may 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
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DIW Jan-07

SCOTT A. MCCOLLISTER, ESQ.
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
SEVENTH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND OH 44114-2579

COPY MAILED

JAN 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Jorgensen et al.	:	
Application No. 60/759,477	:	ON PETITION
Filed: 17 January, 2006	:	
Attorney Docket No. YOUZ 2 00114	:	

This is a decision on the petition filed on 10 October, 2006, requesting that the above-identified provisional application for patent be withdrawn.

The petition is **DISMISSED**.

Petitioners request that the filing of the above-identified application be withdrawn because applicants do not believe that pursuing patent protection is in the best interest of the Applicant.

MPEP 503 states, in pertinent part:

* * *

Applications which are entitled to a filing date and are filed, whether by regular mail, by "Express Mail" under 37 CFR 1.10, by hand-delivery, by the Office's Electronic Filing System (EFS), or otherwise, will not be returned to applicant even if requested. See 37 CFR 1.59. Accordingly, applicants must be careful not to file applications which are not intended to be filed, e.g., duplicates of applications already filed. Note that 37 CFR 1.26(a) provides that a change of purpose after the payment of a

fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee. See MPEP § 607.02.

* * *

In this case, applicants clearly intended to file the instant provisional application, and the application was properly filed and accorded a filing date. As such, the Office will not withdraw the application from filing.

As this petition was not necessitated by an error on the part of the Office, the petition fee will not be refunded.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
SEVENTH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND OH 44114-2579

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MAR 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Eric Perouzel	:	
Application No. 60/759,482	:	ON PETITION
Filed: 17 January, 2006	:	
Attorney Docket No. YOUZ 2 00113	:	

This is a decision on the petition filed on 10 October, 2006, requesting that the above-identified provisional application for patent be withdrawn.

The petition is **DISMISSED**.

Petitioners request that the filing of the above-identified application be withdrawn because applicants do not believe that pursuing patent protection is in the best interest of the Applicant.

MPEP 503 states, in pertinent part:

* * *

Applications which are entitled to a filing date and are filed, whether by regular mail, by "Express Mail" under 37 CFR 1.10, by hand-delivery, by the Office's Electronic Filing System (EFS), or otherwise, will not be returned to applicant even if requested. See 37 CFR 1.59. Accordingly, applicants must be careful not to file applications which are not intended to be filed, e.g., duplicates of applications already filed. Note that 37 CFR 1.26(a) provides that a change of purpose after the payment of a

fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee. See MPEP § 607.02.

* * *

In this case, applicants clearly intended to file the instant provisional application, and the application was properly filed and accorded a filing date. As such, the Office will not withdraw the application from filing.

As this petition was not necessitated by an error on the part of the Office, the petition fee will not be refunded.

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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Commissioner for Patents
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JAN 29 2008

OFFICE OF PETITIONS

THE IP EXCHANGE, LLC
5291 RAVENNA ROAD
NEWTON FALLS, OH 44444

In re Application of :
Heather Alisha Davis :
Application No.: 60/760,416 : ON PETITION
Filed: January 20, 2006 :
Attorney Docket No: HAD-101prv :

This is in response to the petition under 37 CFR 1.137(b) filed November 14, 2006. This is also a decision on petition to expedite under 37 CFR 1.183 filed January 22, 2007, and in supplement on March 21, 2007.

The petition under 37 CFR 1.1.183 is **DISMISSED.**

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application, mailed February 9, 2006. The notice set a shortened 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 allowed period, and the application became abandoned on April 10, 2006. A Notice of Abandonment was mailed on October 18, 2006

TREATMENT UNDER 37 CFR 1.183

A review of the application file history reveals that a petition under 37 CFR 1.137(b) was filed on November 14, 2006, to revive the provisional application after the filing fee and the surcharge were not timely paid. It is noted that the petition was not accompanied by a sufficient amount to cover the remainder of the filing fee, surcharge, and the petition fee. The provisional application expired at midnight on January 20, 2007, but petitioner had not yet received a decision on the petition under 37 CFR 1.137(b). The instant petition under 37 CFR 1.183 was filed on January 22, 2007, and supplemented on March 21, 2007, requesting waiver of the rules to allow the provisional application to be revived so that the filing fee and surcharge could be paid.

Section 711.03(c) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

> 37 CFR 1.137 is applicable to a provisional application abandoned for failure to reply to an Office requirement. A petition under 37 CFR 1.137(a) or (b) must be accompanied by any outstanding reply to an Office requirement, since 37 CFR 1.137(a)(1) and 1.137(b)(1) permit the filing of a continuing application in lieu of the required reply only in a nonprovisional application.

> 35 U.S.C. 111(b)(5) provides that a provisional application shall be regarded as abandoned 12 months after its filing date and shall not be subject to revival after such 12-month period. 37 CFR 1.137(g) provides 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 twelve months from its filing date under any circumstances. Note that the pendency of a provisional application is extended to the next succeeding secular or business day if the day that is twelve months after the filing date of the provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia. See 35 U.S.C. 119(e)(3).
>
> A provisional application may be abandoned prior to 12 months from its filing date for failure to reply to an Office requirement (e.g., failure to submit the filing fee and/or cover sheet). Applicant may petition to have an abandoned provisional application revived as a pending provisional application for a period of no longer than 12 months from the filing date of the provisional application where the delay was unavoidable or unintentional. **It would be permissible to file a petition for revival later than 12 months from the filing date of the provisional application but only to revive the application for the 12-month period following the filing of the provisional application. Thus, even if the petition were granted to establish the pendency up to the end of the 12-month period, the provisional application would not be considered pending after 12 months from its filing date.**

A petition under 37 CFR 1.183 to waive the requirements of the rules should only be granted in an extraordinary situation or when justice requires. The petition under 37 CFR 1.183 is not appropriate when other relief is available. The section of the MPEP cited above indicates that other relief is available, i.e, a petition under 37 CFR 1.137(b) to revive the application for the 12-month period following the filing of the application. The provisional application would be considered expired twelve months after its filing date. The petition under 37 CFR 1.183 is dismissed, accordingly.

TREATMENT UNDER 37 CFR 1.137(b)

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

The petition fee of $750.00 will be charged to deposit account 50-1210.

The provisional application is revived for the twelve month period following the filing of the provisional application. The provisional application is expired as of midnight January 20, 2007.

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 may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Daniel A. Thomson
388 South main Street
Suite 500
Akron, OH 44311-4407

UNITED STATES PATENT AND TRADEMARK OFFICE

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HEATHER ALISHA DAVIS
THE IP EXCHANGE, LLC
5291 RAVENNA ROAD
NEWTON FALLS, OH 44444

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of
Heather Alisha Davis
Application No.: 60/760,417
Filed: January 20, 2006
Attorney Docket No:

: ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed November 14, 2006. This is also a decision on petition to expedite under 37 CFR 1.183 filed January 22, 2007, and in supplement on March 21, 2007.

The petition under 37 CFR 1.1.183 is **DISMISSED.**

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application, mailed February 9, 2006. The notice set a shortened 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 allowed period, and the application became abandoned on April 10, 2006. A Notice of Abandonment was mailed on October 18, 2006

TREATMENT UNDER 37 CFR 1.183

A review of the application file history reveals that a petition under 37 CFR 1.137(b) was filed on November 14, 2006, to revive the provisional application after the filing fee and the surcharge were not timely paid. It is noted that the petition was not accompanied by a sufficient amount to cover the remainder of the filing fee, surcharge, and the petition fee. The provisional application expired at midnight on January 20, 2007, but petitioner had not yet received a decision on the petition under 37 CFR 1.137(b). The instant petition under 37 CFR 1.183 was filed on January 22, 2007, and supplemented on March 21, 2007, requesting waiver of the rules to allow the provisional application to be revived so that the filing fee and surcharge could be paid.

Section 711.03(c) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

> 37 CFR 1.137 is applicable to a provisional application abandoned for failure to reply to an Office requirement. A petition under 37 CFR 1.137(a) or (b) must be accompanied by any outstanding reply to an Office requirement, since 37 CFR 1.137(a)(1) and 1.137(b)(1) permit the filing of a continuing application in lieu of the required reply only in a nonprovisional application.

> 35 U.S.C. 111(b)(5) provides that a provisional application shall be regarded as abandoned 12 months after its filing date and shall not be subject to revival after such 12-month period. 37 CFR 1.137(g) provides 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 twelve months from its filing date under any circumstances. Note that the pendency of a provisional application is extended to the next succeeding secular or business day if the day that is twelve months after the filing date of the provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia. See 35 U.S.C. 119(e)(3).
>
> A provisional application may be abandoned prior to 12 months from its filing date for failure to reply to an Office requirement (e.g., failure to submit the filing fee and/or cover sheet). Applicant may petition to have an abandoned provisional application revived as a pending provisional application for a period of no longer than 12 months from the filing date of the provisional application where the delay was unavoidable or unintentional. **It would be permissible to file a petition for revival later than 12 months from the filing date of the provisional application but only to revive the application for the 12-month period following the filing of the provisional application. Thus, even if the petition were granted to establish the pendency up to the end of the 12-month period, the provisional application would not be considered pending after 12 months from its filing date.**

A petition under 37 CFR 1.183 to waive the requirements of the rules should only be granted in an extraordinary situation or when justice requires. The petition under 37 CFR 1.183 is not appropriate when other relief is available. The section of the MPEP cited above indicates that other relief is available, i.e, a petition under 37 CFR 1.137(b) to revive the application for the 12-month period following the filing of the application. The provisional application would be considered expired twelve months after its filing date. The petition under 37 CFR 1.183 is dismissed, accordingly.

TREATMENT UNDER 37 CFR 1.137(b)

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

The petition fee of $750.00 will be charged to deposit account 50-1210.

The provisional application is revived for the twelve month period following the filing of the provisional application. The provisional application is expired as of midnight January 20, 2007.

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 may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
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Suite 500
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UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

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

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JUN 29 2006
OFFICE OF PETITIONS

In re Application of :
Elena Feinstein :
Application No. 60/760,586 :
Filed: January 20, 2006 : ON PETITION
Attorney Docket No. :
75780-PRO/JPW/DYK :

This is a decision on the Petition to Grant Filing Date, filed May 6, 2006. The petition is properly treated under 37 CFR 1.182.

The application was filed on January 20, 2006. On March 29, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that the drawings are not necessary for an understanding of the invention.

Accordingly, the petition is granted.

The petition has been refunded to Applicant's deposit account as authorized in the petition.

The application will be referred to the Office of Initial patent Examination to be accorded the original date of deposit, January 20, 2006, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions

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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

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MAY 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Pear, et al.	:	
Application No. 60/760,856	:	DECISION DISMISSING
Filed: January 20, 2006	:	PETITION
Attorney Docket No.: 464406-215235	:	

This is a decision on the petition filed March 17, 2006. Petitioner is advised that the petition will be treated as request to withdraw the " Notice of Omitted Items of Provisional Application" mailed February 23, 2006, in the above-cited application.

The above-identified application was filed on January 20, 2006. However, on February 23, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Provisional Application" stating that application had been accorded a filing date of January 20, 2006, and advising applicant that Figures 9a-9e as described in the specification appeared to be omitted. The notice set forth a non-extendable period of two months from its mailing date to respond.

In response, on March 17, 2006, applicant filed the present petition and remitted a $400.00 petition fee. Applicant explains that Figures 9a-9e were not missing on January 20, 2006, but that Figures 9a-9e were actually contained on page 70 of the drawings and mislabeled a continuation of Figure 8.

It is obvious from the petition that no drawings were actually missing on January 20, 2006. Rather, the drawings of Figures 9a-9e were simply mislabeled as a result of applicant's filing error. However, the " "Notice of Omitted Items of Nonprovisional Application" was correct in stating that 9a-9e described in 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 20, 2006, using the drawings filed on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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GRAYBEAL JACKSON HALEY LLP
155 - 108TH AVE NE
SUITE 350
BELLEVUE WA 98004-5973

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MAY 18 2006

OFFICE OF PETITIONS

In re Application of :
John Socha-Leialoha :
Application No. 60/761,024 : DECISION ON PETITION
Filed: January 20, 2006 :
Attorney Docket No. 2447-001-02 :

This is a decision on the petition under 37 CFR 1.53(e), filed April 17, 2006, requesting, in effect, that the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed February 9, 2006 be withdrawn.

The petition is **DISMISSED**.

The application was filed on January 20, 2006. However, on February 9, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application". The Notice informed applicants that the application had been accorded a filing date. However, Figure 12 of the drawings appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that Figure 12 was not missing on January 20, 2006. Instead, petitioner explains the label for Figure 12 was omitted due to an typographical error.

It is obvious from the petition that Figure 12 was not actually missing on January 20, 2006. However, the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed February 9, 2006 was correct in stating that Figure 12 appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn.

Since the present petition was not necessitated by any error on the part of the Office, the $400 petition fee has been charged to Deposit Account No. 07-1897, as authorized.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of January 20, 2006, using the application papers filed on that date and the drawing pages filed on April 17, 2006, to correct the labeling error.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/761,085	01/22/2006		100	SWT-1001-PV2	9		

CONFIRMATION NO. 4804

Daniel M. Chamber
BioTechnology Law Group
658 Marsolan Avenue
Solana Beach, CA 92075-1931

CORRECTED FILING RECEIPT

OC000000020551494

Date Mailed: 09/22/2006

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

Applicant(s)

John Clemons, Encinitas, CA;

Power of Attorney:

Daniel Chambers--34561

If Required, Foreign Filing License Granted: 02/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/761,085

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

Non-perishable plant-derived decorative items and methods for making 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.

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

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

GRANTED

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

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

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

NOT GRANTED

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MYERS WOLIN, LLC
100 HEADQUARTERS PLAZA
MORRISTOWN NJ 07960

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JUL 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Peleg et al. :
Application No. 60/761,146 : DECISION GRANTING PETITION
Filed: January 23, 2006 :
Attorney Docket No. CRPT-001 :

This is a decision on the petition filed May 16, 2006, requesting that a Notice of Omitted Items in a Provisional Application ("Notice") mailed March 16, 2006, be withdrawn.

The petition is GRANTED.

The application was filed on January 23, 2006. However, on March 16, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of January 23, 2006 but page 5 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends page 5 of the specification was filed on January 23, 2006. In support, the petition is accompanied by a copy of applicants' return postcard which states that 9 pages of specification were filed. The petition is further accompanied by page 5 of the specification.

Applicants' postcard receipt is prima facie evidence that 9 pages of specification were received on January 23, 2006, but page 5 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 9 pages of specification, claims and abstract were received on January 23, 2006, as shown in counsel's file, and later misplaced in the office.

Since original page 5 of the specification cannot be located in the Office, page 5 supplied on May 16, 2006, will be used for

processing purposes.

No Petition fee is due. The $400.00 petition fee will be refunded.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 23, 2006, using the substitute page 5 of the specification supplied on May 16, 2006.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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DIW Jun-06

STEPHEN C. MACEVICZ
21890 RUCKER DRIVE
CUPERTINO CA 95014

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JUN 0 2 2006

OFFICE OF PETITIONS

In re Application of :
Sydney Brenner :
Application No. 60/761,578 : ON PETITION
Filed: 23 January, 2006 :
For: MOLECULAR COUNTING :

This is a decision on the paper filed on 29 March, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of 23 January, 2006.

The petition is **GRANTED**.

The application was filed on 23 January, 2006, without drawings. Accordingly, on 10 February, 2006, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application stating that the application had been deposited without drawings.

On 29 March, 2006, the present petition was filed. Petitioner argues 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 23 January, 2006, 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 one (1) method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 10 February, 2006, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on 23 January, 2006.

The application is accorded a filing date of 23 January, 2006, without drawings as a part of the original disclosure. The petition fee paid of $400.00 refunded by Treasury check.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 23 January, 2006, 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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YOUNG LAW FIRM, P.C.
ALAN W. YOUNG
4370 ALPINE ROAD
SUITE 106
PORTOLA VALLEY, CA 94028

COPY MAILED

MAR 27 2006

OFFICE OF PETITIONS

In re Application of :
Linard, et al. :
Application No. 60/761,626 : DECISION GRANTING PETITION
Filed: January 23, 2006 :
Attorney Docket No. CYBS6002P :

This is a decision on the petition filed February 7, 2006, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of January 23, 2006, rather than the presently accorded filing date of January 24, 2006.

Petitioner alleges that the application was deposited with the Express Mail Service on January 23, 2006. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EO916862056US showing a "date-in" of January 23, 2006. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on January 23, 2006.

In view of the above, the petition is granted. The new filing date for the above-cited application is January 23, 2006.

The Office of Initial Patent Examination will further process the application with a filing date of January 23, 2006, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/761,626	01/23/2006		100	CYBS6002P	12		

CONFIRMATION NO. 6640

CORRECTED FILING RECEIPT

OC000000018412139

22430
YOUNG LAW FIRM, P.C.
ALAN W. YOUNG
4370 ALPINE ROAD
SUITE 106
PORTOLA VALLEY, CA 94028

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)

Sylvie Linard, London, UNITED KINGDOM;
Thierry Brunet de Courssou, Henderson, NV;

Power of Attorney:
Alan Young--37970

If Required, Foreign Filing License Granted: 02/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/761,626

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

Gaming sidekick

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

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

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

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

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA KASULKE, DOCKET
COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE, WI 53202

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JUL 21 2006
OFFICE OF PETITIONS

In re Application of :
Donald Schuettenberg :
Application No. 60/761,720 :
Filed: January 24, 2006 : ON PETITION
Attorney Docket Number: :
8946 :

This is a decision on the Petition, filed March 2, 2006, requesting the application be accorded a filing date of January 24, 2006, including Figure 9 described in the specification.

The petition is **granted**.

The application was filed on January 24, 2006. However, on February 13, 2006, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application (hereinafter ("Notice"), stating that the application had been accorded a filing date; however Figure 9 described in the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition wherein Applicant avers that Figure 9 was included among 5 sheets of drawings filed with the application on January 24, 2006, and was received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *intern alia*, 5 sheets of drawings filed on January 24, 2006.

A review of the return receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of 5 sheets of drawings by this Office on January 24, 2006. Applicant has also re-submitted 5 sheets of drawings with the instant petition.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Moreover, a review of the application file reveals that Figure 9 was included among five (5) sheets of drawings received on January 24, 2006. Due to an oversight on the part of this Office, Figure 9 was inadvertently deemed as omitted.

Accordingly, the petition is granted.

A refund of the petition fee has been credited to deposit account 50-1078 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of January 24, 2006, and an indication that no drawing Figures were omitted, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

POWELL GOLDSTEIN LLP
INTELLECTUAL PROPERTY GROUP
901 NEW YORK AVENUE, N.W.
THIRD FLOOR
WASHINGTON DC 20001

In re Application of :
Howard W. Bruckner et al. :
Application No. 60/761,763 :
Date of Deposit: January 25, 2006 :
Attorney Docket No. 144001.00200 : DECISION ON PETITION
Title: IMPACT OF CETUXIMAB ALONE : UNDER 37 C.F.R. §1.182
AND IN COMBINATION ON HUMAN EGFR- :
CONTAINING COLON TUMORS :

BACKGROUND

This is a decision on the petition under 37 C.F.R. §1.182, filed March 17, 2006, requesting that the above-identified application be accorded a filing date of January 25, 2006.

The application was deposited on January 25, 2006 without drawings. On February 14, 2006, 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. The notice set a two-month period for response.

Receipt of the petition fee is acknowledged.

ANALYSIS

The requirement for drawings

With the present petition, Petitioner has set forth "there is no issue with respect to 35 U.S.C. §113[1, 2]," however the materials which Petitioner submitted on filing make reference to Figures one through five.

The application consists of sixty-six pages. Drawings are referenced on pages twenty-two through twenty-three. It is noted that the text "Exhibit A" appears at the top of the third page[3].

Petitioner has set forth that the application consists of two pages, with an added "attachment[4]" which consists of pages three through sixty-six. As such, Petitioner would have the Office consider the written disclosure to consist solely of pages one and two. Petitioner contends that since a description of the drawings does not appear in the two pages which Petitioner considers to be the specification, he reasons that the notice and its requirement that drawings be presented is "plainly and unambiguously incorrect[5]."

It appears that drawings are required for an understanding of this invention under 35 U.S.C. §113 (first sentence). Drawings are explicitly referred to in a portion of the written disclosure - the inclusion of the text "Exhibit A" on a page of the submission will not serve to remove that portion from what is considered to constitute the written disclosure. As such, the specification consists of pages one through sixty-six. Petitioner has not stated that drawings are not necessary for the understanding of the invention. See MPEP §601.01(f).

Incorporation by reference

Petitioner has argued in the alternative that even if it is determined that drawings are required, application number 10/941,089 has been incorporated by reference. An incorporation by reference statement cannot be relied upon for filing date purposes.

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1 Petition, page 2.
2 It is noted that Petitioner has merely set forth that there is no issue with respect to 35 U.S.C. §113 - he has not explicitly stated that drawings are not necessary for an understanding of the invention.
3 On the second page of this petition, Petitioner has explained that pages three through sixty-six are a copy of prior-filed application number 10/941,089.
4 Petition, page 2.
5 Id.

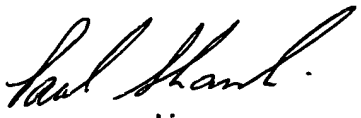
CONCLUSION

The petition under 37 C.F.R. §1.182 must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[6], hand-delivery[7], or facsimile[8].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[9]. 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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6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 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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Paper No. None

POWELL GOLDSTEIN LLP
INTELLECTUAL PROPERTY GROUP
901 NEW YORK AVENUE, N.W.
THIRD FLOOR
WASHINGTON DC 20001

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SEP 22 2006
OFFICE OF PETITIONS

In re Application of	:	
Howard W. Bruckner et al.	:	
Application No. 60/761,763	:	
Filing Date: January 25, 2006	:	DECISION ON RENEWED
Attorney Docket No. 144001.00200	:	PETITION UNDER
Title: IMPACT OF CETUXIMAB ALONE	:	37 C.F.R. §1.182
AND IN COMBINATION ON HUMAN EGFR-	:	
CONTAINING COLON TUMORS	:	

Background

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed September 12, 2006, requesting that the above-identified application be accorded a filing date of January 25, 2006.

The application was deposited on January 25, 2006 without drawings. On February 14, 2006, 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. The notice set a two-month period for response.

Procedural History

The original petition was received on March 17, 2006 and was dismissed via the mailing of a decision on August 16, 2006.

Analysis

With the present renewed petition, the attorney of record has attested, over his registration number, "drawings are not necessary for an understanding of the invention under either 35 U.S.C. §113, first sentence, or 35 C.F.R. §1.18(a)." The relevancy of the first qualifier is clear enough. The second qualification appears to be a typographical error. Title 35 of the C.F.R. pertains to the Panama Canal. 37 C.F.R. §1.18(a) concerns the fee which is associated with the issuance of a patent.

The Office will presume that Petitioner meant to reference 37 C.F.R. §1.81(a), which concerns drawings, and sets forth, *in toto*:

> The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented; this drawing, or a high quality copy thereof, must be filed with the application. Since corrections are the responsibility of the applicant, the original drawing(s) should be retained by the applicant for any necessary future correction.

As such, Petitioner's statement will be construed to be an affirmative representation that drawings are not necessary to understand the subject matter sought to be patented in the present application. Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition.

Conclusion

Based solely on this interpretation of the attorney's statement, the present renewed petition is **GRANTED**.

The petition fee of $400.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 25, 2006, and for **mailing of an updated filing receipt**, using only the original application papers filed on that date.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written

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'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.

cc: REMENICK,JAMES
Novak, Druce & Quigg LLP
1300 Eye Street, N.W.
400 East Tower
Washington, DC 20005

---

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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Paper No. None

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INTELLECTUAL PROPERTY GROUP
901 NEW YORK AVENUE, N.W.
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WASHINGTON DC 20001

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OFFICE OF PETITIONS

In re Application of	:	
Howard W. Bruckner et al.	:	
Application No. 60/761,763	:	
Filing Date: January 25, 2006	:	DECISION ON RENEWED
Attorney Docket No. 144001.00200	:	PETITION UNDER
Title: IMPACT OF CETUXIMAB ALONE	:	37 C.F.R. §1.182
AND IN COMBINATION ON HUMAN EGFR-	:	
CONTAINING COLON TUMORS	:	

Background

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed September 12, 2006, requesting that the above-identified application be accorded a filing date of January 25, 2006.

The application was deposited on January 25, 2006 without drawings. On February 14, 2006, 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. The notice set a two-month period for response.

Procedural History

The original petition was received on March 17, 2006 and was dismissed via the mailing of a decision on August 16, 2006.

Analysis

With the present renewed petition, the attorney of record has attested, over his registration number, "drawings are not necessary for an understanding of the invention under either 35 U.S.C. §113, first sentence, or 35 C.F.R. §1.18(a)." The relevancy of the first qualifier is clear enough. The second qualification appears to be a typographical error. Title 35 of the C.F.R. pertains to the Panama Canal. 37 C.F.R. §1.18(a) concerns the fee which is associated with the issuance of a patent.

The Office will presume that Petitioner meant to reference 37 C.F.R. §1.81(a), which concerns drawings, and sets forth, *in toto*:

> The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented; this drawing, or a high quality copy thereof, must be filed with the application. Since corrections are the responsibility of the applicant, the original drawing(s) should be retained by the applicant for any necessary future correction.

As such, Petitioner's statement will be construed to be an affirmative representation that drawings are not necessary to understand the subject matter sought to be patented in the present application. Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition.

Conclusion

Based solely on this interpretation of the attorney's statement, the present renewed petition is **GRANTED**.

The petition fee of $400.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 25, 2006, and for **mailing of an updated filing receipt,** using only the original application papers filed on that date.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries

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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written

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'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

cc: REMENICK,JAMES
Novak, Druce & Quigg LLP
1300 Eye Street, N.W.
400 East Tower
Washington, DC 20005

---

record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 22 2006

OFFICE OF PETITIONS

Michael Shur
10 Starboard Way
Latham, NY 12110

In re Application of :
Shur, et al. :
Application No. 60/761,954 : ON PETITION
Filed: January 25, 2006 :
Attorney Docket No.: :

This is a decision on the petition under 37 CFR 1.182, filed February 18, 2006, requesting that the above-identified application be accorded a filing date as of the date the alleged omitted Figure 13 is supplied.

The petition is **dismissed**.

On January 25, 2006, the above-identified application was filed. However, on February 14, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Provisional Application", stating that application had been accorded a filing date of January 25, 2006, and advising applicant that Figure 13 as described in the specification appeared to have been omitted.

In response, on February 18, 2006, applicant filed the present petition. Applicant supplies the omitted Figure 13 and indicates that the Figure 13, was a part of the original disclosure, but provides no *prima facie* evidence that Figure 13 accompanied the original application papers. The petition is , therefore, being treated as a petition to have a filing date accorded the application as of the date the omitted items are supplied.

Petitioner's attention is directed to section 601.01(b) of the *Manual of Patent Examining Procedure* (MPEP) which states, in pertinent part:

> [a] provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application sent forth the 37 CFR 1.53(c) parallel the requirements of a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

Further, section 601.01(d) of the MPEP provides that:

> . . . in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional application, the USPTO will not grant petition under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

The petition is dismissed, accordingly. The instant provisional application will retain the filing date of January 25, 2006, with only those papers filed on that date and excluding Figure 13.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Mar-07

DAVID W. HIGHET, VICE PRESIDENT
AND CHIEF IP COUNSEL
1 BECTON DRIVE, MC 110
FRANKLIN LAKES NJ 07417-1880

COPY MAILED

MAR 28 2007

OFFICE OF PETITIONS

In re Application of :
Shi et al. :
Application No. 60/762,911 : DECISION GRANTING PETITION
Filed: 26 January, 2006 :
Atty Dckt No. 11612-023-888 :

This is a decision in reference to the petition filed on 26 December, 2005, under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 26 January, 2006, rather than the currently-accorded filing date of 27 January, 2006.

The petition is **granted**.

Petitioner asserts that the application was deposited in Express Mail Service on 26 January, 2006. In support, petitioner has provided a copy of the Express Mail Customer Label EV456921377US (the same Express Mail number found on the itemized provisional application cover sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail label is "1-26-06".

As such, the showing of record is that the correct date of deposit in Express Mail is 26 January, 2006.

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 26 January, 2006, 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
60/763,146	01/27/2006		100	445419	11		

CONFIRMATION NO. 2438

CORRECTED FILING RECEIPT

OC000000018143684

30955
LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

Date Mailed: 02/27/2006

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)

Curtis A. Vock, Niwot, CO;

Power of Attorney:

Curtis Vock--38356

If Required, Foreign Filing License Granted: 02/08/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/763,146

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

System and processes for commercializing intellectual property

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
60/763,803	01/30/2006		200	0017-300MTV-06	5		

CONFIRMATION NO. 9187

CORRECTED FILING RECEIPT

OC000000018530703

Brian F. Swienton
Spectra-Physics
1791 Deere Avenue
Irvine, CA 92606

Date Mailed: 04/13/2006

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)

James D. Kafka, Palo Alto, CA;
James Clark, Palo Alto, CA;
David E. Spence, Mountain View, CA;

Power of Attorney:

Brian Swienton--49030

If Required, Foreign Filing License Granted: 02/15/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/763,803

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Device for high power, high-repetition rate, broadly tunable coherent radiation, and its applications

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

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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JONATHAN P. OSHA
OSHA - LIANG LLP
1221 McKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of :
Matthew Ward et al :
Application No. 60/764,160 : DECISION ON PETITION
Filed: February 1, 2006 :
Attorney Docket No. 05250/010001 :

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

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed February 16, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on April 17, 2006. A Notice of Abandonment was mailed on November 3, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an Application Data Sheet and $25 surcharge as required by the Notice of February 16, 2006, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of February 16, 2006 is accepted as being unintentionally delayed.

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

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/764,623	02/02/2006	Ward R. Mullins	036-102

CONFIRMATION NO.

J G Mullins
1618 East Gate Way
Pleasanton, CA 94566

Date Mailed: 02/28/2007

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **02/15/2007,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It was received after the expiration of twelve months after the filing date of the provisional application.

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

PART 2 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON VA 22201-2909

COPY MAILED
OCT 0 2 2006
OFFICE OF PETITIONS

In re Application of :
Allen et al. : DECISION ON PETITION
Application No. 60/764,748 :
Filed: February 3, 2006 :
Atty Docket No. COS05011PR2 :

This is a decision on the PETITION FOR ACCEPTANCE OF MISSING PAGES UNDER 37 CFR 1.53(e) filed April 19, 2006. Petitioners request that the Office accord the above-identified application a filing date of February 3, 2006, with pages 157-170 of the specification considered part of the original application disclosure.

Application papers in the above-identified application were deposited on February 3, 2006. However, on April 14, 2006, the Initial Patent Examination Division mailed applicants a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, pages 157-170 of the specification appeared to have been omitted from the application.

In response, applicants filed the instant petition (and petition fee). Applicants assert that pages 157-170 were in fact deposited in the U.S. Patent and Trademark Office on February 3, 2006, with the application papers pages 1-512. Applicants submit the date-stamped postcard as evidence of such deposit and request refund of the petition fee. The petition includes pages 157-170 of the specification.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received by OIPE and USPTO on February 3, 2006, and the items filed therewith were assigned Application No. 60/764748; 2) it specifically identifies the items being filed, including "Provisional Patent Application (512 pages)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including a 512 page Provisional Patent Application, were filed on February 3, 2006.

Given the contents of this provisional application, the description on the postcard is persuasive that pages 157-170 were among the papers deposited on February 3, 2006. Petitioner is reminded that for a postcard to be prima facie evidence of all of the application papers filed, the postcard should specifically itemize each component (i.e. 12 pages of specification, 2 pages of claims and 5 sheets of drawings).

The petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 07-2347, as authorized.

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

- further processing with a filing date of February 3, 2006, using the application papers received in the Office and presently accorded that date; and pages 157-170 of the specification re-supplied on petition filed April 19, 2006.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/764,980	02/03/2006		100	376180-002USP1	38		

CONFIRMATION NO. 3962

CORRECTED FILING RECEIPT

37509
DECHERT LLP
P.O. BOX 10004
PALO ALTO, CA 94303

OC000000018588220

Date Mailed: 04/20/2006

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)

Stevan Bogdan Jovanovich, Livermore, CA;
Iuliu Ioan Blaga, Fremont, CA;
David Rank, Palo Alto, CA;

Power of Attorney: The patent practitioners associated with Customer Number **37509**.

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

Microfluidic devices

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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2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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MAY 25 2007

OFFICE OF PETITIONS

In re Application of :
Chaplin et al. :
Application No. 60/765,337 : DECISION ON PETITION
Filed: 02/03/2006 :
Attorney Docket No. DAVI-0010 :

This is a decision on the petition filed May 25, 2007, requesting that the application be accorded a filing date of February 3, 2006, with page 3 of the specification as part of the original disclosure.

On February 3, 2006, applicants filed the above-identified application. Applicants stated that upon reviewing a certified copy of the application as filed, they discovered that page 3 of the specification appeared to have been omitted due to USPTO error. On May 25, 2007, applicants submitted the present petition, and a copy of page 3 of the specification. Additionally, applicants submitted a copy of applicants' return, date-stamped postcard receipt acknowledging receipt of "Provisional Patent Application (total pages 1-95) including: Specification on pages 1-95, 12 claims on page 84-95; 3 sheets of formal drawings comprising Figure(s) 1-3" in the USPTO on February 3, 2006.

Upon a review of the record, page 3 of the specification, deposited on February 3, 2006, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 3, 2006, included page 3, which was subsequently misplaced in the USPTO. Therefore, the application, including page 3, was complete on filing and may be granted a filing date of February 3, 2006. Accordingly, the petition is **granted**. No petition fee is necessary.

This matter is being referred to the Office of Initial Patent Examination for further processing with a **filing date of February 3, 2006,** using the pages of specification filed on that date, and page 3 of the specification submitted with the petition on May 27, 2007, as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

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4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of	:	
James R. Bone et al	:	
Application No. 60/765,542	:	DECISION ON PETITION
Filed: February 6, 2006	:	
Attorney Docket No. BA9365USPRV1	:	

This is a decision on the petition under 37 CFR 1.182, filed, January 18, 2007, to correct the name of inventor "Charles Steven Smith" to – "Charles Steven Williams" --.

The petition is **GRANTED**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

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

Karen Creasy
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	TOT CLMS	IND CLMS
60/765,542	02/06/2006		200	BA9365USPRV1		

CONFIRMATION NO. 5841

CORRECTED FILING RECEIPT

OC000000025352568

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Date Mailed: 08/14/2007

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)

James R. Bone, Valdosta, GA;
Loston Rowe, Newark, DE;
J. Dan Smith, Madison, MS;
Charles Steven Williams, Madison, MS;

Power of Attorney:
Edward Rehberg--34703

If Required, Foreign Filing License Granted: 02/23/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/765,542

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method for improving harvestability of crops

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject

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

NOT GRANTED

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

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Paper No. None

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS TX 75202

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JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Ravi Kambadur et al. :
Application No. 60/765,863 : DECISION ON PETITION
Filed: February 7, 2006 :
Attorney Docket No.: :
36697.19 :
Title: MUSCLE REGENERATION :
COMPOSITIONS AND USES THEREFOR :

This is a decision on the petition filed April 26, 2006, requesting that the above-identified application be accorded a filing date of February 7, 2006, with 5C, 5D, 5E, 5F, 6C, and 9 included as part of the original disclosure[1].

The application was deposited on February 7, 2006. Figures 1-2, 3A-3C, 4, 5A-5B, 6A-6B, 7-8, a second figure labeled "figure 5," 10A-10B, and 11-18 were included on filing. On February 28, 2006, 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 February 7, 2006, and advising applicants that the application appeared to have been deposited without Figures 5C, 5D, 5E, 5F, 6C, and 9. The notice set a two-month period for response.

In response, on April 26, 2006, applicants filed the present petition, along with the petition fee and a copy of Figures 5A-

1 Petitioner has requested that "figures 5A-5F, 6C, and 9 be accepted for filing," however it is noted that figures 5A and 5B were included on filing.

5F, 6C, and 9. Petitioner has requested that the Office include these figures as present on filing.

It is noted that Petitioner has not contended that the missing figures were present at the time of filing, and it is clear that these items were not present on filing. Petitioner seeks to introduce several figures which were not present on filing, yet retain the original filing date of February 7, 2006.

This cannot be done, for Petitioner is essentially requesting that the Office introduce new matter to the application. Petitioner has not asserted that the entry of these drawings would not introduce new matter. *Assuming arguendo* that the entry of these the drawings would not involve the introduction of new matter, these items cannot be introduced at a later date, as the amendment of provisional applications is prohibited by 37 C.F.R. §1.53(c).

Pursuant to the discussion above, the present petition must be **DISMISSED.**

Figures 5A-5F, 6C, and 9, submitted with the present petition, will not be entered.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182". This is not a final agency action within the meaning of 5 U.S.C 704.

Alternatively, Petitioner may wish to consider filing a new provisional application, including each of the drawings which were omitted from the present application.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5]. All other inquiries

---

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.
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded

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

---

that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OCT 19 2007

OFFICE OF PETITIONS

In re Application of:
Nieves .
Application No. 60/765,872 : ON PETITION
Filed: February 26, 2006
For: EDGEGUARD GATEWAY FOR SECURITY PLATFORM.:

This is a decision on the petition filed February 8, 2007, under 37 CFR 1.59 requesting expungement of information inadvertently included among the papers present on filing in this application. The delay in treatment of this petition is regretted.

The petition is **granted.**

Petitioner asserts that 24 pages of drawings (actually 12 pages duplicated) present on filing contained an innocent third party's confidential information and were accidentally included with the papers originally filed.

It is agreed that under the circumstances of this application expungement is warranted. It is further agreed that, as the drawings in question are, in essence, asserted to have no relationship to this application, it follows that the drawings in question were not relied upon for obtention of a filing date and as such waiver of 37 CFR 1.59(a)(2) is not required.

The file entries for the above-referenced drawings have been closed. As such, the documents are no longer available to the public for inspection, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

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

Brian Hearn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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APR 30 2007

OFFICE OF PETITIONS

Mike Kildevaeld
P.O.Box 311
Yarmouth Port MA 02675

In re Application of :
Michael Rogler Kildevaeld :
Application No. 60/766,409 : ON PETITION
Filed: January 17, 2006 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed January 17, 2007, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed January 20, 2006, which set a shortened period for reply of two (2) months from its mailing date. Extensions were available pursuant to 37 CFR 1.136. A proper response was received within the allowable period. The application became abandoned on March 21, 2006.

The response to the Notice to File Missing Parts of Provisional Application filed January 17, 2007, in the form of payment of the filing fee and surcharge is noted and made of record.

The amount of $250.00 is being refunded to petitioner because the filing fee and surcharge were paid in duplicate at the large entity rate.

The address as cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address as cited on the instant petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The power of attorney filed December 18, 2006, cannot be entered because it is illegible.

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

Cc:
Patrick D. Archibald
25 Mall Road, Suite 300
Burlington, MA 01803

DATE 4/26/07

APPLICATION NUMBER 60/766,409

DOC CODE 4/26/07

DOC DATE 4/30/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

8-3-06

IFW #

OIPE AUG 01 2006 PATENT & TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
60/766,409	01/17/2006	Michael Rogler Kildevaeld	

CONFIRMATION NO. 1409
FORMALITIES LETTER

Mike Kildevaeld
P.O.Box 311
Yarmouth Port, MA 02675

Date Mailed: 06/14/2006

08/04/2006 WABDELR1 00000017 60766409

01 FC:1005 200.00 OP
02 FC:1052 50.00 OP

NOTICE OF INCOMPLETE REPLY (PROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice to File Missing Parts (Notice) mailed 01/20/2006 and it has been entered into the provisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The statutory basic filing fee is missing.
  Applicant must submit $ **200** *to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(g) of $50 was not received.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$260** for a Large Entity

- **$200** Statutory basic filing fee.
- **$50** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Date: 04/30/2007 CKHLOK
00000017 60766409
-200.00 OP
-50.00 OP

CKHLOK 0000156972

Refund Total: $250.00

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

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	04/26/07	2 Serial/Patent #	60/766,409

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
X	Filing		08/01/06	$ 200.00
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
X	Other		08/01/06	$ 50.00

7 TOTAL AMOUNT OF REFUND: $ 250.00

8 TO BE REFUNDED BY:

X Treasury Check

Credit Deposit A/C #:

9 [ ][ ]--[ ][ ][ ][ ]

10 REASON:

X Overpayment

Duplicate Payment

No Fee Due (Explanation):

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Kenya A. Mclaughlin TITLE: . Petitions Attorney

SIGNATURE: /kenyamclaughlin/ PHONE: 571-272-3222

OFFICE: Office of Petitions

****

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APPROVED: CKhok DATE: 4/30/07

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Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANCEL W. LEWIS, JR.
425 WEST MULBERRY
SUITE 101
FORT COLLINS CO 80521

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AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of :
David M. Thomas :
Application Number: 60/767581 : ON PETITION
Filing Date: 09/25/2006 :
Attorney Docket Number: DN :
1631P :

This is a decision on the "PETITION TO ACCEPT PURPORTED MISSING ITEM IN A PROVISIONAL APPLICATION," filed on 29 May, 2007, which is treated as a petition to withdraw the Notice of Omitted Items in a Provisional Application mailed on 5 April, 2007.

The petition is **DISMISSED**.

The application was filed on 25 September, 2006. The original application papers included, *inter alia*, two (2) sheets of drawings containing Figures 1 and 2 and one unlabeled drawing figure.

Accordingly, on 5 April, 2007, the Office of Initial Patent Examination mailed a "Notice" stating that the application had been accorded a filing date of 25 September, 2006, and advising applicant that Figure 3 described in the specification appeared to have been omitted.

In response, the present petition was filed on 29 May, 2007. Petitioner explains that Figure 3 was not missing on 25 Sepember, 2006. Instead, states petitioner, Figure 3 was present among the drawings filed on 25 September, 2006, but is inadvertently not labeled. Petitioners have supplied with the petition a duplicate copy of the drawing sheet containing Figure 3.

It is obvious from the petition that no drawing was actually missing on 25 September, 2006. Rather, the drawing of Figure 3 was simply unlabeled as a result of the applicant's filing error. However, the "Notice" mailed on 5 April, 2007, was correct in stating that Figure 3 described in the specification appeared to

have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

As the present petition was not necessitated by any error on the part of the Office, the petition fee will not be refunded.

The application will be processed using only the application papers filed on 25 September, 2006. The copies of the drawing sheet supplied with the present petition on 29 May, 2007, will not be used for processing, but will be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 25 September, 2006, 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

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OFFICE OF PETITIONS

In re Application of :
Bagley, et al. :
Application No. 60/771,227 : ON PETITION
Filed: February 8, 2006 :
Attorney Docket No. :
10817/lAKTADRDWR/DKKK
For: ELECTRONIC DEVICE MANUFACTURING COMPONENT WITH AN EMBEDDED CHIP AND METHODS OF USING THE SAME

This is a decision on the petition filed May 5, 2006, requesting that the above-identified application be accorded a filing date of February 7, 2006, rather than the presently accorded date of February 8, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on February 7, 2006 pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of Express Mail label No. EV605116174US showing an illegible handwritten "date-in" as well as a "FEB 7 2006" receipt stamp. The same Express Mail receipt number appears on the original "Provisional Application for Patent Cover Sheet," which includes the Express Mail label number.

In view of the USPS receipt stamp of "FEB 7 2006", appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on February 7, 2006.

The petition is **GRANTED**.

A petition fee of $400.00 was charged on May 9, 2006. This fee is unnecessary and will be credited to deposit account no. 04-1696.

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **February 7, 2006.** OIPE will mail a corrected filing receipt in due course.

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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FISH & RICHARDSON PC
P O BOX 1022
MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of :
Jason Shaoyun Xiang et al :
Application No. 60/771,262 : DECISION ON PETITION
Filed: February 7, 2006 :
Atty Docket No. 16156-048P01/AM102259 :

This is a decision on the petition under 37 CFR 1.182, filed, May 8, 2006, to change the name of joint inventor "Charlie Wu" to – Yuchuan Wu -- .

The petition is **GRANTED**.

Office records have been corrected to reflect the above-named inventor's correct name. A corrected Filing Receipt, which sets forth the above-noted inventor's correct name, has been mailed under separate cover.

The fee for a petition under 37 CFR 1.182 is $400, rather than $130, as submitted with the petition. However, as authorized, the balance due of $270 has been assessed to petitioner's deposit account.

It is noted that a request for a corrected filing receipt was filed on March 27, 2006 requesting correction of the names of two other inventors. However, the petition filed on May 8, 2006 only requested the correction of the name of inventor Wu and, as such, no other correction has been made to the record.

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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Paper No: __

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WALLENSTEIN & WAGNER, LTD.
311 SOUTH WACKER DRIVE
53RD FLOOR
CHICAGO IL 60606

In re Application of	:	
Snyker, et al.	:	
Application No. 60/771,271	:	DECISION ON PETITION
Receipt/Filing Date: 8 February, 2006	:	
Attorney Docket No. 4112 P 082	:	

This is a decision on the petition filed on 22 March, 2006, and considered herein under 37 C.F.R. §1.53.

The instant petition is **GRANTED**.

BACKGROUND

The instant application was deposited on 8 February, 2006.

On 27 February, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (the 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 indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or

- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 22 March, 2006, Petitioner submitted the original petition, including therewith, *inter alia*, a date-stamped ("020806") receipt card (see: MPEP §503[1]) seeking an 8 February, 2006, filing date for the application. Petitioner avers therein that the figures were included on filing and provided, *inter alia*, 4 sheets of drawings averred to be true copies of those deposited on 8 February, 2006.

---

[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.)

ANALYSIS

A search of the official file reveals that:

- on 8 February, 2006, Petitioner deposited the instant application;

- the stamped receipt card evidences the following, in pertinent part:

* * *

Four (4) sheets of Drawings (Figures. 1 - 4)

* * *

Because Petitioner's receipt card adequately itemized the contents of the application as to the drawings on the receipt card, it is concluded that the application, including 4 sheets of drawings, as described in the specification, was deposited with the Office on 8 February, 2006, and the 4 sheets of drawings, as described in the specification, subsequently were misplaced in the Office.

Accordingly, the application, including 4 sheets of drawings, as described in the specification, is entitled to a filing date of 8 February, 2006.

The Notice mailed on 27 February, 2006, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed omitting drawings, specifically 4 sheets of drawings, as described in the specification, and that the application was not to be accorded a filing date.

CONCLUSION

The petition is **granted** and the petition fee waived.

This application is released to OIPE for further processing with a filing date of 8 February, 2006, for the entire application with pages 1 - 8 of the specification (description, claims, abstract), and 4 sheets of drawings, as described in the specification, using:

- **pages 1 - 8 of the specification (description, claims, abstract) deposited on 8 February, 2006; and**

- **and 4 sheets of drawings, as described in the specification deposited on 22 March, 2006; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 8 February, 2006, and reflecting therein that 8 pages of specification (description, claims, abstract) and 4 sheets of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE CA 94086

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JUN 29 2006

OFFICE OF PETITIONS

In re Application of :
Feist, et al. :
Application No. 60/772,017 : DECISION GRANTING PETITION
Deposited: February 10, 2006 :
Attorney Docket No. ICI-02200 :
FOR: LOW POWER NAVIGATION POINTING OR HAPTIC FEEDBACK DEVICES, METHODS AND FIRMWARE

This is a decision on the petition, filed May 1, 2006 (certificate of mailing date April 26, 2006), under 37 CFR 1.53(e) requesting that the Office accord a filing date of February 10, 2006 to the above-identified application, despite the lack of drawing figures in the application.

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

The application was deposited on February 10, 2006. However, on March 1, 2006, 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 February 10, 2006 refers to drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, and filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in

MPEP 601.01(g), so long as the application contains something that can be construed as a written description.

This provisional application contains 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 March 1, 2006 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of February 10, 2006 without drawing figures. Fees submitted with the instant petition will be credited to deposit account no. 08-1275.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **February 10, 2006** and the mailing of a filing receipt reflecting the February 10, 2006 filing date. No drawing figures were filed on February 10, 2006 and none were necessary.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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PO BOX 37428
RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Fraser-Reid et al.	:	
Application No. 60/772,837	:	ON PETITION
Filed: February 13, 2006	:	
Attorney Docket No. 9125-5PR	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 22, 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 March 7, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 8, 2006. A Notice of Abandonment was mailed on November 17, 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 matter is being referred to the Office of Initial Patent Examination for further processing.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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WENDY C. MARTIN
UMBC- Office of Technology Development
Suite 310
5523 Research Park Drive
Baltimore MD 21228

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OFFICE OF PETITIONS

In re Application of :
Jose Vanderlei MARTINS et al. :
Application No. 60/773,244 : ON PETITION
Filed: February 14, 2006 :
Attorney Docket No. UMBC2488JM :

This is in response to the petition under 37 CFR 1.59(b), filed September 11, 2009, to expunge information submitted under MPEP 724.05(II).

The petition is **GRANTED.**

Petitioner requests that the papers filed February 14, 2006 which include the inventors' social security numbers be expunged from the application file. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Applicant is required to retain the expunged material(s) for the life of any patent which issues from the above-identified application.

In view of the above, the papers filed February 14, 2006 which include applicants' social security numbers will be removed from the file and replaced with papers filed September 11, 2009.

The petition fee of $200 set forth in 37 CFR 1.17(g) has been charged to petitioner's Deposit Account No. 50-4181.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

Cc: Nixon Peabody LLP
300 S. Riverside Plaza, 16th Floor
Chicago, IL 60606

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SYNGENTA BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
3054 CORNWALLIS ROAD
P.O. BOX 12257
RESEARCH TRIANGLE PARK NC 27709-2257

In re Application of	:	
Johnson et al.	:	DECISION GRANTING
Application No. 60/773,847	:	PETITION
Deposited: February 16, 2006	:	
Attorney Docket No. 70648USP1	:	
Title of Invention: Corn Event 3272	:	
and Methods for Detection thereof	:	
including Taqman Event Specific	:	
Assay	:	

This is a decision on the petition filed May 1, 2006, requesting that the above-identified provisional application be accorded a filing date of February 16, 2006.

The application was deposited on February 16, 2006. However, on March 10, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" advising applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, on May 1, 2006, 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 February 16, 2006 filing date without any drawings. On May 17, 2006, OIPE withdrew the Notice of Incomplete Provisional Application.

In light of the withdrawal of the Notice of Incomplete Provisional Application, and the statement made by a registered practitioner that drawings are not necessary for an understanding of the invention the application will be processed with the papers submitted on February 16, 2006.

No petition fee is due. The $400.00 petition fee will be refunded.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **February 16, 2006**, 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

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520 SW YAMHILL STREET
PORTLAND OR 97204

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OFFICE OF PETITIONS

In re Application of :
Rixen :
Application No. 60/774,491 : ON PETITION
Filed: February 16, 2006 :
Attorney Docket No. RME.306P :
For: CONTROLLER FOR RECREATIONAL-VEHICLE HEATING SYSTEM

This is a decision on the correspondence filed May 8, 2006 (certificate of mailing date May 5, 2006) requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed March 6, 2006. The petition will be treated under 37 CFR 182.

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

The application was filed on February 16, 2006. However, on March 6, 2006, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of February 16, 2006, and advising applicants that Figure 4 described in the specification appeared to have been omitted.

In response, the present petition was filed.

The petition does not allege and is not accompanied by any evidence that any sheet of drawing containing the labels "Figure 4" was present in the Office on February 16, 2006. While the Brief Description of the Drawings lists Figure 4, there are only three drawing figures in the application file, labeled "FIG. 1" , "FIG. 2", and "FIG. 3". Petitioner states that the Office received all paperwork submitted with the application on February 16, 2006. It is apparent that petitioner, in the Brief Description of the Drawings, described a figure that does not exist in this application

Therefore, the "Notice" mailed March 6, 2006, was correct in advising applicant that Figure 4 appeared to have been omitted. The "Notice" was properly mailed and will not be withdrawn.

A petition fee is required, since the filing of the present correspondence was not necessary to correct any Office error. Pursuant to petitioner's authorization, deposit account no. 11-1540 will be charged the required $400.00 petition fee.

Regarding applicant's request to amend the specification, it is not permissible to amend a provisional application. 37 CFR 1.53(c).

This application is an expired provisional application. It will be returned to Files Repository after the mailing of this decision.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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HARNESS DICKEY & PIERCE PLC
7700 BONHOMME STE 400
ST LOUIS MO 63105

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In re Application of :
Gerber, et al. :
Application No. 60/774,560 : ON PETITION
Filed: February 16, 2006 :
Attorney Docket No. 8493-000005/US/PS2 :

This is a decision on the petition under 37 CFR 1.10(c), filed April 17, 2006, which is being treated as a petition under 37 CFR 1.10(d) to accord the above application a filing date of February 16, 2006. This is also a decision on the "REQUEST FOR CONSOLIDATION WITH PETITIONS IN RELATED CASES", filed November 14, 2006.

The petitions are **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on February 16, 2006, not February 17, 2006. In support thereof, petitioner has explained that the application was filed via

Express Mail (Express Mail no. ER 422423656 US) in a USPS Automated Postal Center at 7:07pm on that date. Petitioner has included a copy of a USPS receipt, showing a February 16, 2006 date. No Express Mail mailing label number is on the receipt. Petitioner has also included a copy of the Express Mail label, with a blank entry for the "date-in" field, as well as a Certificate of Mailing, a blank return postcard, and a copy of the Provisional Application Cover Sheet, with Express Mail mailing label no. ER 422423656 affixed thereon.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis added.

Petitioner is directed to MPEP 513(II), which states:

> Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful

> to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and 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.

With respect to the "REQUEST FOR CONSOLIDATION WITH PETITIONS IN RELATED CASES", petitioner is directed to 37 CFR 1.4(b), which states in part, "Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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HARNESS DICKEY & PIERCE PLC
7700 BONHOMME STE 400
ST LOUIS MO 63105

In re Application of :
Gerber, et al. :
Application No. 60/774,561 : ON PETITION
Filed: February 17, 2006 :
Attorney Docket No. 8493-000005/US/PS5 :

This is a decision on the petition under 37 CFR 1.10(c), filed August 7, 2006, which is being treated as a petition under 37 CFR 1.10(d) to accord the above application a filing date of February 16, 2006.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on February 16, 2006, not February 17, 2006. In support thereof, petitioner has explained that the application was filed via Express Mail (Express Mail no. ER 422423687 US) in a USPS Automated Postal Center at 7:24pm on that date. Petitioner has

included a copy of a USPS receipt, showing a February 16, 2006 date. No Express Mail mailing label number is on the receipt. Petitioner has also included a copy of the Express Mail label, with a blank entry for the "date-in" field, as well as a Certificate of Mailing, a blank return postcard, and a copy of the Provisional Application Cover Sheet, with Express Mail mailing label no. ER 422423687 affixed thereon.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis added.

Petitioner is directed to MPEP 513(II), which states:

> Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and

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.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HARNESS DICKEY & PIERCE PLC
7700 BONHOMME STE 400
ST LOUIS MO 63105

In re Application of :
Gerber, et al. :
Application No. 60/774,738 : ON PETITION
Filed: February 16, 2006 :
Attorney Docket No. 8493-000005/US/PS3 :

This is a decision on the petition under 37 CFR 1.10(c), filed April 17, 2006, which is being treated as a petition under 37 CFR 1.10(d) to accord the above application a filing date of February 16, 2006. This is also a decision on the "REQUEST FOR CONSOLIDATION WITH PETITIONS IN RELATED CASES", filed November 14, 2006.

The petitions are **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on February 16, 2006, not February 17, 2006. In support thereof, petitioner has explained that the application was filed via

Express Mail (Express Mail no. ER 422423660 US) in a USPS Automated Postal Center at 7:15pm on that date. Petitioner has included a copy of a USPS receipt, showing a February 16, 2006 date. No Express Mail mailing label number is on the receipt. Petitioner has also included a copy of the Express Mail label, with a blank entry for the "date-in" field, as well as a Certificate of Mailing, a blank return postcard, and a copy of the Provisional Application Cover Sheet, with Express Mail mailing label no. ER 422423660 affixed thereon.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis added.

Petitioner is directed to MPEP 513(II), which states:

> Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful

> to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and 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.

With respect to the "REQUEST FOR CONSOLIDATION WITH PETITIONS IN RELATED CASES", petitioner is directed to 37 CFR 1.4(b), which states in part, "Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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HARNESS DICKEY & PIERCE PLC
7700 BONHOMME STE 400
ST LOUIS MO 63105

In re Application of :
Gerber, et al. :
Application No. 60/774,739 : ON PETITION
Filed: February 16, 2006 :
Attorney Docket No. 8493-000005/US/PS1 :

This is a decision on the petition under 37 CFR 1.10(c), filed April 17, 2006, which is being treated as a petition under 37 CFR 1.10(d) to accord the above application a filing date of February 16, 2006. This is also a decision on the "REQUEST FOR CONSOLIDATION WITH PETITIONS IN RELATED CASES", filed November 14, 2006.

The petitions are **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on February 16, 2006, not February 17, 2006. In support thereof, petitioner has explained that the application was filed via

Express Mail (Express Mail no. ER 422423642 US) in a USPS Automated Postal Center at 7:07pm on that date. Petitioner has included a copy of a USPS receipt, showing a February 16, 2006 date. No Express Mail mailing label number is on the receipt. Petitioner has also included a copy of the Express Mail label, with a blank entry for the "date-in" field, as well as a Certificate of Mailing, a blank return postcard, and a copy of the Provisional Application Cover Sheet, with Express Mail mailing label no. ER 422423642 affixed thereon.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis added.

Petitioner is directed to MPEP 513(II), which states:

> Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful

to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and 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.

With respect to the "REQUEST FOR CONSOLIDATION WITH PETITIONS IN RELATED CASES", petitioner is directed to 37 CFR 1.4(b), which states in part, "Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

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

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In re Application of :
Gerber, et al. :
Application No. 60/774,884 : ON PETITION
Filed: February 17, 2006 :
Attorney Docket No. 8493-000005/US/PS4 :

This is a decision on the petition under 37 CFR 1.10(c), filed April 13, 2006, which is being treated as a petition under 37 CFR 1.10(d) to accord the above application a filing date of February 16, 2006.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on February 16, 2006, not February 17, 2006. In support thereof, petitioner has explained that the application was filed via Express Mail (Express Mail no. ER 422423673 US) in a USPS Automated Postal Center at 7:15pm on that date. Petitioner has

included a copy of a USPS receipt, showing a February 16, 2006 date. No Express Mail mailing label number is on the receipt. Petitioner has also included a copy of the Express Mail label, with a blank entry for the "date-in" field, as well as a Certificate of Mailing, a return postcard showing the application was received in the Office on April 13, 2006, and a copy of the Provisional Application Cover Sheet, with Express Mail mailing label no. ER 422423673 affixed thereon.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis added.

Petitioner is directed to MPEP 513(II), which states:

> Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d)

or (e). Evidence that came into being after deposit and 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.

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Cliff Congo
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OFFICE OF PETITIONS

In re Application of :
Gerber, et al. :
Application No. 60/774,884 : ON PETITION
Filed: February 17, 2006 :
Attorney Docket No. 8493-000005/US/PS4 :

This is a decision on the renewed petition under 37 CFR 1.10(c), filed November 14, 2006, which is also being treated as a petition under 37 CFR 1.10(d), to accord the above application a filing date of February 16, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on February 16, 2006, not February 17, 2006. In support thereof, petitioner has explained that the application was filed via Express Mail (Express Mail no. ER 422423673 US) in a USPS Automated Postal Center at 7:15pm on that date. Petitioner has

included a copy of a USPS receipt, indicating that $37.60 in postage was paid on February 16, 2006. No Express Mail mailing label number is on the receipt. Petitioner has also included a copy of the Express Mail label, with a blank entry for the "date-in" field, as well as a Certificate of Mailing, a return postcard showing the application was received in the Office on April 13, 2006, and a copy of the Provisional Application Cover Sheet, with Express Mail mailing label no. ER 422423673 affixed thereon.

Petitioner argues that the instant petition should be considered under 37 CFR 1.10(c), and not 37 CFR 1.10(d). The petition was treated under 37 CFR 1.10(d) because the "date-in" field on the "Express Mail" mailing label was blank (i.e. omitted).

Nevertheless, even if the petition is considered under § 1.10(c), the petition still can not be granted. There is no way for the Office to associate petitioner's receipt with Express Mail mailing label No. ER 422423673.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

In this instance, petitioner chose to use a USPS Automated Postal Center (i.e. a drop box). MPEP 513 cautions that

> correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care.... While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk (Emphasis added).

However, MPEP 513 also provides some guidance for applicants who choose to bear the risk of using an "Express Mail" drop box:

> Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and 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.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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PANDISCIO & PANDISCIO, P.C.
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WALTHAM MA 02451-1914

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JUL 27 2006
OFFICE OF PETITIONS

In re Application of :
Matsui, et al. :
Application No. 60/774,914 : ON PETITION
Filed: February 17, 2006 :
Attorney Docket No. TAYE-68 PROV :
For: TUNABLE SAMPLED-GRATING DBR LASER

This is a decision on the petition, filed May 15, 2006 (certificate of mailing date May 9, 2006), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed March 9, 2006. The petition will be treated under 37 CFR 1.53(e).

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

The application was filed on February 17, 2006. On March 9, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figure 13 was missing from the application filed on February 17, 2006.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the enclosed copy of Figure 13 be accorded a filing date of February 17, 2006 on the basis that the original was included with the provisional patent application papers filed on February 17, 2006. In support, the petition is accompanied by declarations of the attorney of record and his assistant, who both reviewed the application and attest to the fact that figure 13 was present.

The declarations by counsel and his assistant submitted with the petition state without equivocation or doubt that they each checked the assembled application papers to determine that the application included all figures.

The Office file is the official record of what was filed on February 17, 2006. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such

declarations, as in this case, are usually made months after the actual events recited. In this case, the declarations made on May 9, 2006, were made almost three (3) months after the application was actually mailed.

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

Fortunately, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing February 17, 2006 as the date of receipt. The postcard lists that the filing included, *inter alia*, 16 sheets of drawings. A review of the application file reveals that there are 15 sheets of drawings present.

The return postcard constitutes *prima facie* evidence that 16 sheets of drawings, including missing Figure 13, were filed on February 17, 2006. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the $400.00 fee submitted with the instant petition will be credited to deposit account no. 16-0221.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **February 17, 2006**, using the copy of Figure 13 supplied with the petition. Office records will be changed to show that 16 sheets of drawings were filed on February 17, 2006.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

McAndrews, Held & Malloy, Ltd
34th Floor
500 West Madison Street
Chicago, IL 60661

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OFFICE OF PETITIONS

In re Application of :
Uma Shanker, et. al. :
Application No. 60/774,989 : ON PETITION
Filed: February 16, 2006 :
Attorney Docket No. 101USMD135 :

This is a decision on the petition under 37 CFR 1.137(b), filed on December 8, 2006, to revive the above-identified application. The delay in responding is regretted.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application mailed March 10, 2006. A Notice of Abandonment was mailed on November 17, 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.

Further, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Kevin E. Borg appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an Application Data Sheet (ADS) with the $25 surcharge; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ISRAEL AMIR
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PRINCETON NJ 08540

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JAN 22 2007

OFFICE OF PETITIONS

In re Application of
Israel Amir et al.
Application No. 60/775,502
Filed: February 22, 2006
Title of Invention: **CHILDREN MONITORING AND CARALERT STARTUP AND STARTING DEVICES IN CARS**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed December 18, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on May 16, 2006, for failure to timely respond to the Notice to File Missing Parts mailed March 13, 2006 and which set a two (2) month period for reply. Accordingly, a Notice of Abandonment was mailed November 17, 2006.

Petitioner asserts unavoidable delay in responding to the Notice to File Missing Parts because of non-receipt of the Notice.

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

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

issue fee or any outstanding balance thereof;
(2) the petition fee as set forth in § 1.17(l);
(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks items (1) and (3) above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

A review of the file reveals that the Notice to File Missing Parts was mailed to the

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

address of record however, petitioner has not provided any evidence to show (1) that the Notice was not received, (2) that at the time the Notice was mailed the address of record was anything other than that which the USPTO had on file and (3) that petitioners had provided the USPTO with any other address other than the Fleming Way, Princeton, NJ address.

As petitioner has not presented any evidence to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), the petition will be dismissed.

Additionally, petitioner has not submitted either an Application Data Sheet or a provisional application cover sheet and the surcharge, $25.00, for late submission as required by the Notice mailed March 13, 2006.

Finally, the power of attorney filed with the petition has been rejected. Prosecution of an application may be conducted by (1) the applicant(s), (2) the assignee as provided for under 37 CFR 3.71(b), or (3) a person having a special equity interest recognized by the Commissioner, such as an assignee of part interest. If adverse interests exist, then prosecution control might be given to the equitable claimant. In this case however, only one applicant/inventor has signed the power of attorney, and no assignment has been recorded, thus, a courtesy copy of this decision will be mailed to the address on the petition, but all future correspondence will be sent solely to the address of record which to date remains 32 Fleming Way, Princeton, NJ 08540.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b)[3], 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).

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[3]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)).

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).

It should be noted that if petitioner chooses to file a petition under the unintentional standard the fees due would be $1500.00 for a large entity and $750.00 for a small entity and the fees submitted with the instant petition cannot be applied as petitioner has already received consideration under the unavoidable standard.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
HENRY BRENDZEL
BOX 574
SPRINGFIELD, NJ 07081

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
60/775,659	02/20/2006		100		23		

CONFIRMATION NO. 6950

Auburn University
215 East Thach Avenue
Auburn, AL 36830

CORRECTED FILING RECEIPT

OC000000018918337

Date Mailed: 05/23/2006

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)

Thomas A. Hasling, Columbus, GA;
Vitaly J. Vodyanoy, Auburn, AL;
Oleg M. Pustovyy, Auburn, AL, ALBANIA;

Power of Attorney:

A. J. Gokcek--57602

If Required, Foreign Filing License Granted: 03/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/775,659

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

Translational filter, shutter, aperture apparatus for selecting and combining filtered and unfiltered light

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
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Alexandria, VA 22313-1450
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JJGJr: 08-06

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

COPY MAILED
SEP 1 1 2006
OFFICE OF PETITIONS

In re Application of :
Schwefe, et al. :
Application No. 60/775,866 : ON PETITION
Receipt/Filed: 23 February, 2006 :
Attorney Docket No. 1684-7697US :

This is a decision on the petition filed on 11 May, 2006, to obtain a filing date for Figs. 9, 12B, 13B, 14B, 15B, 16B and 17B, as described in the specification of the instant application, and considered here under 37 C.F.R. §1.53.

For the reasons set forth below, the petition is **DISMISSED**.

BACKGROUND

The record reflects that:

- the instant application was deposited on 23 February, 2006;
- on 10 March, 2006, the Office mailed a Notice of Omitted Items in a Provisional Application (the Notice) stating that, while the application had been accorded a filing date, it appeared that Figs. 9, 12B, 13B, 14B, 15B, 16B and 17B, as described in the specification, had been omitted.

OIPE indicated that Petitioner might:

- contend via petition that the drawings were submitted; or
- or accept the application as deposited.

Because amendment of provisional applications is not permitted, Petitioner might also file a new provisional application. (See: MPEP §601.01(b).)

OIPE set a non-extendable two- (2-) month period for reply.

On 11 May, 2006, Petitioner submitted the instant petition, including therewith, *inter alia*, a receipt card (see: MPEP §503[1]).

The receipt card states, in pertinent part:

* * *

Drawings (24 sheets 34 figures)

* * *

and, while Petitioner sets off on an involved description of color and placement and the like, however, a review of the sheets of drawings and figures indicate that:

---

[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.)

- although there appear to be more than one figure on sheet 14/24, the only annotation thereon is "Fig. 10" and there is no reference to Fig. 9 on that sheet or any other;

- moreover, sheets 19/24, 20/24, 21/24, 22/24, 23/24 and 24/24 bear no figure itemization or enumeration whatsoever; and

thus, Figs. 9, 12B, 13B, 14B, 15B, 16B and 17B are not in evidence in the application as deposited.

In sum, the drawings appear to be mislabeled and/or lacking appropriate labeling.

ANALYSIS

From the outset, it is noted that despite Petitioner's errors in labeling of the figures, the application was accorded a filing date of 23 February, 2006.

While it appears that no drawing may actually missing from the application as deposited on 23 February, 2006,, nonetheless, the drawings on sheets 14/24, 19/24, 20/24, 21/24, 22/24, 23/24 and 24/24 were inclusive of the labeled Fig. 10 and, possibly, what Petitioner describes as his Figs. 9, 12B, 13B, 14B, 15B, 16B and 17B, respectively. However, no drawings labeled Figs. 9, 12B, 13B, 14B, 15B, 16B and 17B were present on 23 February, 2006, such that the Notice, mailed on 10 March, 2006, was correct in stating that Figs. 9, 12B, 13B, 14B, 15B, 16B and 17B, as described in the specification appeared to have been omitted from the application. Therefore, the Notice was properly mailed and will not be withdrawn.

CONCLUSION

The petition is **dismissed**; the error was not of the Office and the fee is not waived. The 10 March, 2006, Notice of Omitted Items in a Provisional Application will not be disturbed.

Petitioner may file a new application.

The instant application is released to OIPE for further processing as necessary consistent with this decision.

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[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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
60/775,950	02/23/2006		100	IICS_P_1_06	15		

CONFIRMATION NO. 2126

CORRECTED FILING RECEIPT

OC000000018324820

34442
PATRICIA M. COSTANZO
PATENT COPYRIGHT TRADEMARK LAW
2960 BOWEN ROAD
ELMA, NY 14059

Date Mailed: 03/20/2006

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

Applicant(s)

Alan Shaw, Lockport, NY;

Power of Attorney:

Patricia Costanzo--48809

If Required, Foreign Filing License Granted: 03/10/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/775,950

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

Side mounted one-piece continuous construction multi-directional fire barriers for use in multi-directional architectural expansion joints, installation tools, and cover plate spreader devices

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

032006

Wayne E. Nacker
P.O. Box 8003
Atlanta, GA 31106-0003

MAR 24 2006

In re Application of:
Michael Packer
Serial No.: 11/140,837
Filed: May 31, 2005
For: DRUM PEDAL

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(b)(2)(ii), filed March 15, 2006, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2).

The petition is **GRANTED.**

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

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Copied from 11140837 on 07/10/2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/140,837	05/31/2005	Michael Packer	P-1

CONFIRMATION NO.

Wayne E. Nacker
P.O. Box 8003
Atlanta, GA 31106-0003

Date Mailed: 07/03/2006

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 **03/15/2006,** 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 **60/775,971.** 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

PART 2 - OFFICE COPY

Copied from 11140837 on 10/11/2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

032006

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

MAR 21 2006

In re Application of:
Rulei Ting
Serial No.: 11/188,410
Filed: July 25, 2005
For: APPARATUS AND METHODS OF AN X-RAY TOMOSYNTHESIS AND DUAL SPECTRA MACHINE

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(b)(2)(ii), filed March 9, 2006, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2).

The petition is **GRANTED.**

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

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/321,334	12/29/2005	Steven Dale Zettner	USAA-0048/US-0072.02	2463

59075 7590 03/21/2006

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE
46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER	
TAYLOR, APRIL ALICIA	
ART UNIT	**PAPER NUMBER**
2876	

DATE MAILED: 03/21/2006

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032006

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE
46TH FLOOR
PHILADELPHIA PA 19103

MAR 21 2006

In re Application of:
Steven Dale Zettner
Serial No.: 11/321,334
Filed: December 29, 2005
For: REMOTE ACCOUNT DEPOSITS

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(b)(2)(ii), filed February 24, 2006, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2).

The petition is **GRANTED.**

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

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

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

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OCT 11 2005

WINSTEAD SECHREST & MINICK, P.C.
P.O. BOX 50784
BANK ONE CENTER
DALLAS TX 75201-0784

In re Application of :
Maria Dolores Cantu :
Application No. 10/894,077 :
Filed: July 19, 2004 :
For: EMERGENEY AUTOMOBILE EXIT SYSTEM

DECISION ON PETITION TO CONVERT TO A PROVISIONAL APPLICATION

This is a decision on the petition under 37 CFR 1.53 (c)(2) filed May 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)(2).

The requirements for granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**.

The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a PROVISIONAL application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated by OIPE in due course.

Steven N. Meyers
Special Program Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/rjc September 13, 2005

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WINSTEAD SECHREST & MINICK, P.C.
P.O. BOX 50784
BANK ONE CENTER
DALLAS TX 75201-0784

In re Application of :
Maria Dolores Cantu :
Application No. 10/894,077 : **DECISION ON PETITION**
Filed: July 19, 2004 : **TO CONVERT TO A**
For: EMERGENEY AUTOMOBILE EXIT SYSTEM : **PROVISIONAL APPLICATION**

This is a decision on the petition under 37 CFR 1.53 (c)(2) filed May 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)(2).

The requirements for granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**.

The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a PROVISIONAL application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated by OIPE in due course.

Steven N. Meyers
Special Program Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/rjc September 13, 2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/238,622	09/29/2005	Reginald James Senegal	165675

CONFIRMATION NO.

24197
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Date Mailed: 06/20/2006

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/23/2006,** 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 **60/775,987.** 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
(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.
~~11/323,805~~ 60775988	12/31/2005	Michael Sundermeyer	59592-8006.US01

CONFIRMATION NO.

22918
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

Date Mailed: 07/03/2006

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 **03/14/2006,** 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 **60/775,988.** 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.
~~11/323,808~~ 60775989	12/31/2005	Michael Sundermeyer	59592-8013.US01

CONFIRMATION NO.

22918
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

Date Mailed: 07/03/2006

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 **03/14/2006,** 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 **60/775,989.** 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.
~~11/323,478~~ 60775990	12/31/2005	Michael Sundermeyer	59592-8014.US01

CONFIRMATION NO.

22918
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

Date Mailed: 07/03/2006

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 **03/14/2006,** 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 **60/775,990.** 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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/226,579	09/13/2005	Daniel Abrams	29511.708.501	4317

21971 7590 03/21/2006

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

EXAMINER	
ART UNIT	PAPER NUMBER
2825	

DATE MAILED: 03/21/2006

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

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032006

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

MAR 21 2006

In re Application of:
Daniel Abrams et al.
Serial No.: 11/226,579
Filed: September 13, 2005
For: SYSTEMS, MASKS, AND METHODS FOR PHOTOLITHOGRAPHY

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(b)(2)(ii), filed March 1, 2006, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2).

The petition is **GRANTED.**

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

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Robert J. Oberleitner, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APR 4 2006

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of	:
Krzysztof Palczewski et al	:
Serial No.: 11/066,858	: CONVERSION TO PROVISIONAL
Filed: February 24, 2005	:
Attorney Docket No.: UW-0009/7167P.1	:

This is in response to applicants' request, filed November 3, 2005, to convert this application to a provisional application. The delay in acting on this petition is regretted.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/256,556	10/21/2005	Paige Manard	57821005

CONFIRMATION NO.

Kimberly Juenger
Suite 124
9203 Highway 6 South, # 403
Houston, TX 77083

Date Mailed: 06/19/2006

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 **01/27/2006,** 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 **60/776,002.** 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.
11/689,107	03/21/2007	Chunjian Liu	10512B CIP

CONFIRMATION NO.

23914
LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

Date Mailed: 05/08/2007

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 **04/09/2007,** 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 **60/776,003.** 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

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APR 4 2006

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of	
Stephen M. Adamson et al	:
Serial No.: 11/320,995	:
Filed: December 29, 2005	: CONVERSION TO PROVISIONAL
Attorney Docket No.: USAA-0037/US-0081.02.1	:

This is in response to applicants' request, filed February 24, 2006, to convert this application to a provisional application.

The petition is **DISMISSED**. The above identified application is not a complete non-provisional application as noted by the Missing Parts letter dated February 9, 2006. The filing of a petition to convert the application to a provisional application is not considered a proper response to the Missing Parts letter.

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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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE
46TH FLOOR
PHILADELPHIA PA 19103

In re Application of:
Stephen Michael ADAMSON, et al.
Serial No.: 11/320,995
Filed: December 29, 2005
For: **TELEPHONE CHANNEL PERSONALIZATION**

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(b)(2)(ii), filed February 24, 2006, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2). This decision is also responsive to the request for reconsideration filed June 8, 2006. The petition decision mailed April 4, 2006 is hereby VACATED.

The petition is **GRANTED.**

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

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

Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(571) 272-7288

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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JAN 0 5 2007

OFFICE OF PETITIONS

In re Application of Adamson et al. :
Application No. 60/776,012 : Decision on Petition
Filing Date: December 29, 2005 :
Atty. Docket No. USAA-0037/US-0081.02 :

This is a decision in response to the petition filed October 6, 2006, requesting the application be accorded a filing date of December 29, 2005.

The petition is **granted**.

The application was filed December 29, 2005, and accorded application no. 11/320,995.

On February 24, 2006, a petition was filed to convert the nonprovisional application to a provisional application. The petition was dismissed April 4, 2006.

A request for reconsideration was filed June 8, 2006. The request for reconsideration was granted August 14, 2006. The application was assigned provisional application no. 60/776,012. The decision granting the petition did not indicate the filing date should be changed.

Due to Office error, the filing date was incorrectly changed to June 8, 2006.

The conversion of the application should not have altered the filing date and the application is entitled to a filing date of December 29, 2006.

A petition fee has not been charged to petitioner's deposit account.

The Office of Initial Patent Examination will be informed of the instant application and will change the filing date from June 8, 2006, to December 29, 2006.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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OFFICE OF PETITIONS

In re Application of Adamson et al. :
Application No. 60/776,012 : Decision on Petition
Filing Date: December 29, 2005 :
Atty. Docket No. USAA-0037/US-0081.02 :

This is a corrected decision in response to the petition filed October 6, 2006, requesting the application be accorded a filing date of December 29, 2005.[1]

The petition is **granted**.

The application was filed December 29, 2005, and accorded application no. 11/320,995.

On February 24, 2006, a petition was filed to convert the nonprovisional application to a provisional application.

The petition was dismissed April 4, 2006.

A request for reconsideration was filed June 8, 2006.

The request for reconsideration was granted August 14, 2006. As a result of the decision, the Office of Patent Application Processing assigned the application provisional application no. 60/776,012, and incorrectly changed the filing date to June 8, 2006.

The conversion of the application should not have altered the filing date and the August 14, 2006 decision did not indicate the filing date should be changed. Therefore, the application is entitled to a filing date of December 29, 2005.

A petition fee has not been charged to petitioner's deposit account.

The Office of Patent Examination Processing will be informed of the instant application and will change the filing date from June 8, 2006, to December 29, 2005.

---

[1] A corrected decision is necessary because the prior decision stated the new filing date would be December 29, 2006, rather than December 29, 2005. The language in the instant decision is intended to replace the language in the prior decision.

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
60/776,099	02/22/2006		100	CSA-11065	5		

CONFIRMATION NO. 2469

23123
SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA, AZ 85201

CORRECTED FILING RECEIPT

OC000000018436327

Date Mailed: 03/31/2006

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)

Jonathan Levine, New City, NY;

Power of Attorney:

David Allred--47254

If Required, Foreign Filing License Granted: 03/17/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/776,099

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

Trivet with lazy susan

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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

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UNITED STATES 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
60/776,149	02/22/2006		200	15305.12USP1	4		

CONFIRMATION NO. 2858

CORRECTED FILING RECEIPT

OC000000018531826

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

Date Mailed: 04/13/2006

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)

Andrzej Malewicz, Minneapolis, MN;
Richard C. Gunderson, Maple Grove, MN;

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

If Required, Foreign Filing License Granted: 03/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/776,149

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Marker arrangement for bifurcation catheter

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, 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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UMBC- Office of Technology Development
Suite 310
5523 Research Park Drive
Baltimore MD 21228

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OFFICE OF PETITIONS

In re Application of :
Jose Vanderlei MARTINS et al. :
Application No. 60/776,576 : ON PETITION
Filed: February 24, 2006 :
Attorney Docket No. UMBC2488JM-2 :

This is in response to the petition under 37 CFR 1.59(b), filed September 14, 2009, to expunge information submitted under MPEP 724.05(II).

The petition is **GRANTED.**

Petitioner requests that the papers filed February 24, 2006 which include the inventors' social security numbers be expunged from the application file. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Applicant is required to retain the expunged material(s) for the life of any patent which issues from the above-identified application.

In view of the above, the papers filed February 24, 2006 which include applicants' social security numbers will be removed from the file and replaced with papers filed September 14, 2009.

The petition fee of $200 set forth in 37 CFR 1.17(g) has been charged to petitioner's Deposit Account No. 50-4181.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

Cc: Nixon Peabody LLP
300 S. Riverside Plaza, 16th Floor
Chicago, IL 60606

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JUN 09 2006

OFFICE OF PETITIONS

ERAN LAZAR
4, HASADNAOT ST.
Herzeliya Pituach 46733 IL ISRAEL

In re Application of :
Garcia, et al. :
Application No. 60/776,655 : DECISION GRANTING PETITION
Filed: February 27, 2006 :
Attorney Docket No. :

This is a decision on the petition filed May 11, 2006, requesting that the filing date of the above-identified provisional application be restored to February 27, 2006.

The petition is granted.

The application was filed on February 27, 2006, describing drawings containing Figures 1 through 8, but no drawings were filed. Accordingly, March 13, 2006, 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 May 11, 2006, the present petition was filed. Petitioner states that drawings are not necessary for the understanding of subject matter sought to be patented. It is also noted that that drawings were filed on April 18, 2006, and that the Office changed the application filing date accordingly. Petitioner did not intend for the filing date to be changed, however.

Based on petitioner's representation, this application will be accorded a filing date of February 27, 2006. 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 February 27, 2006, 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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Paper No: __

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& ROONEY PC
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OFFICE OF PETITIONS

In re Application of	:	
Atkin	:	
Application No. 60/776,692	:	ON PETITION
Deposited/Filed: 27 February, 2006	:	
Attorney Docket No. 1034545-000008	:	

This is a decision on the petition filed on 19 May, 2006, considered under 37 C.F.R. §1.53.

The petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The record indicates:

- the instant application was deposited on 27 February, 2006;
- on 21 March, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (the Notice) stating expressly that the application had been accorded a filing date but that Figs. 8a - 15, as described in the specification had been omitted;
- OIPE indicated that Petitioner might:

  –contend via petition that the drawings were submitted; or

–accept the application as deposited.

- OIPE set a two- (2-) month period for reply;
- Petitioner, in fact, elected none of the options set forth by OIPE;
- on 19 May, 2006, Petitioner filed the instant petition (over a certificate of mailing), and the instant petition avers (in response to what she improvidently refers as a "Notice of Incomplete Provisional Application) that drawings were not necessary for the understanding of the invention–while this may be correct, Petitioner ignores the presence in the record of two sheets of drawings containing Figs. 1 - 7–and Petitioner seeks a filing date of 27 February, 2006, which the Office previously granted.

ANALYSIS

Petitioner provides no date-stamped receipt card (see: MPEP §503[1]) in evidence of Office receipt

---

[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.)

of drawings on deposit, and, in fact, Petitioner acknowledges that she failed to submit the drawings in question on deposit.

Petitioner has 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 indicates that, among the claims therein are contained one or more method claims. (See: MPEP §601.01(f)(A).) And, it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01[2])

But, as noted above, the Office previously accorded a filing date in this matter, and the issue in question is as to the presence or absence of Figs. 8a - 15, and Petitioner clearly does not contend that these figures were present on deposit.

In view of the above, the Notice mailed on 16 March, 2006, hereby is maintained and will not be disturbed.

---

[2] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an "application shall include . . . a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the "filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 (first sentence) in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35

U.S.C. 113 (first sentence) are:

(A) *Coated articles or products*: where the invention resides solely in coating or impregnating a conventional sheet (*e.g.*, paper or cloth, or an article of known and conventional character with a particu lar composition), unless significant details of structure or arrangement are involved in the article claims;

* * *

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.

* * *

CONCLUSION

The petition is **dismissed**.

The petition fee is not waived in that the Notice of Omitted Items expressly stated that Petitioner might accept the application as received by the Office on deposit; thus, no petition was required and it was Petitioner's election to file one nonetheless.

The application is being referred to the Office of Initial Patent Examination to be processed consistent with the foregoing decision.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

JAYE REED HENDRICKS
117 BELLAIRE DR.
DENTON, TX 76209

In re Application of	:	
Jaye Reed Hendricks	:	
Application No. 60/776,824	:	DECISION ON PETITION
Filed: February 27, 2006	:	
Attorney Docket No. None	:	

This is a decision on the petition, filed December 15, 2006, in the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,500. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. It is also noted that the petition does not include a reply to the Notice to file Missing Part of Provision Application mailed March 13, 2006. For applicant's convenience, a copy of the outstanding Office communication is enclosed.

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

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

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

grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(III)(C) and (D).

No consideration on the merits of the petition can be given until the required fee is received.

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

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

By hand: Customer Service Window
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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure

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
60/776,824	02/27/2006	Jaye Reed Hendricks	

CONFIRMATION NO. 5841

JAYE REED HENDRICKS
117 BELLAIRE DR.
DENTON, TX 76209

FORMALITIES LETTER

Date Mailed: 03/13/2006

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 statutory basic filing fee is insufficient.
  Applicant must submit **$ 10** *to complete the basic filing fee for a small entity.*

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(g) of $25 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$35** for a Small Entity

- **$10** Statutory basic filing fee.
- **$25** Surcharge.

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.

Tracy Wyatt

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

PART 3 - OFFICE COPY

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/776,910	02/17/2006		200	ICUMM.197PR3	24		

CONFIRMATION NO. 3050

CORRECTED FILING RECEIPT

OC000000018977809

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 05/26/2006

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)

Thomas F. Fangrow, Mission Viejo, CA;

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

If Required, Foreign Filing License Granted: 03/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/776,910

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Soft-grip medical connector

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

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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
60/777,204	02/25/2006		100	H0498.70263US00	4		

CONFIRMATION NO. 5722

CORRECTED FILING RECEIPT

OC000000018729390

23628
WOLF GREENFIELD & SACKS, PC
NULL
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Date Mailed: 05/09/2006

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)

Brian S. DeDecker, Boston, MA;
Stephen L. De Wall, Haddonfield, NJ;

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

If Required, Foreign Filing License Granted: 03/24/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/777,204

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

Noble metal complex-mediated 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.

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

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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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5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN TX 77522-2149

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OFFICE OF PETITIONS

In re Application of :
Chang et al. :
Application No. 60/777,333 : ON PETITION
Filed: February 28, 2006 :
Attorney Docket No. 2006B019 :

This is a decision on the petition filed May 14, 2007, requesting that the above-identified application be accorded a filing date of February 28, 2006, rather than the presently accorded date of February 27, 2006. 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 February 28, 2006, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV702567019US, showing a handwritten "date-in" of "02/27/06." The same Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated February 28, 2006 on the cover page for the application papers. Additionally, applicant has submitted copy of the Track & Confirm record showing that the package in question was accepted on February 28, 2006, at 3:55 p.m. in the Baytown, TX USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on February 28, 2006. Accordingly, the instant application is entitled to a filing date of February 28, 2006 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 collected.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of February 28, 2006, along with a corrected filing receipt.**

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

Liana Walsh
Petitions Examiner
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
60/777,430	02/28/2006		200	H-US-00088 (203-4584)			

CONFIRMATION NO. 7349

CORRECTED FILING RECEIPT

OC000000018498867

50855
UNITED STATES SURGICAL,
A DIVISION OF TYCO HEALTHCARE GROUP LP
195 MCDERMOTT ROAD
NORTH HAVEN, CT 06473

Date Mailed: 04/11/2006

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)

Mark S. Roby, Killingworth, CT;
Jack Kennedy, Guilford, CT;

Power of Attorney:

Michael Brew--43513

If Required, Foreign Filing License Granted: 03/17/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/777,430

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Antimicrobial releasing polymers

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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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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David Resnick
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110

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SEP 12 2006
OFFICE OF PETITIONS

In re Application of Waghorne et al. :
Application No. 60/777,490 : Decision on Petition
Filing Date: February 28, 2006 :
Attorney Docket No. 701039-057720-P :

This is a decision on the petition filed March 27, 2006, under 37 CFR 1.10(d) to accord the above-identified application a filing date of February 28, 2006, instead of February 27, 2006.

The petition is **granted**.

Petitioner asserts the "date-in" on the "Express Mail" mailing label was incorrectly entered as February 27, 2006.

Petitioner has supplied a copy of the label. The date-stamp is not clearly and unambiguously legible. A review of the label indicates the "date-stamp" on the label indicates a very probable date of February 28, 2006.

In support of the petition, petitioner has provided a printout from a USPS database indicating the application was given to the USPS at 6:17 pm on February 28, 2006.

Upon consideration of all the evidence, the Office has determined petitioner has satisfied the requirements of 37 CFR 1.10(d) and the application will be accorded a filing date of February 28, 2006.

The Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of February 28, 2006.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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KIRTON AND MCCONKIE
1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P O BOX 45120
SALT LAKE CITY UT 84145-0120

COPY MAILED
MAY 12 2006
OFFICE OF PETITIONS

In re Application of :
Borah, et al. :
Filed: February 28, 2006 : ON PETITION
Application No. 60/777,621 :
Atty. Dkt. No.: 9312.112 :

This decision is in response to the "PETITION AND REOUEST FOR REVIEW OF NOTICE OF OMITTED ITEM IN A PROVISIONAL APPLICATION," filed April 17, 2006. This matter is being treated as a petition to accord the above-identified application a filing date of February 28, 2006 with Figure 6 as part of the original application as filed.

The application was filed February 28, 2006. The Notice of Omitted Item(s) in a Provisional Application (Notice) mailed March 27, 2006 indicated that the application had been accorded a filing date but that Figure 6 appeared to have been omitted from the application as filed.

In response, petitioners herein argue that the application as deposited included two sheets of drawings, which included Figure 6, and have presented as proof of mailing and proof of receipt of Figure 6 a return postcard date stamped by the Office on February 28, 2006. A copy of Figure 6 purportedly filed with the application on February 28, 2006 was submitted herewith.

The original drawing sheet featuring Figure 6 has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of February 28, 2006 is GRANTED.

Since the original drawing sheet containing Figure 6 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. Petitioners may request a refund of the previously submitted

$400.00 petition fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of February 28, 2006.

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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RONALD I. EISENSTEIN
NIXON PEABODY LLP
100 SUMMER STREET
BOSTON MA 02110

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JUL 12 2006

OFFICE OF PETITIONS

In re Application of :
WALSH et al. :
Application No. 60/777,654 : DECISION GRANTING
Filed: February 28, 2006 : PETITION
Attorney Docket No. 701586-57650-P :

This is a decision on the petition filed March 24, 2006, requesting that the above-identified application be accorded a filing date of February 28, 2006, rather than the presently accorded date of February 27, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on February 28, 2006 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV653001812US bears a handwritten "date-in" of "2 27 06" it also includes a USPS receipt date stamp of "FEB 28 2006[.]" Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is February 28, 2006.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the conflicting dates on the label, a search of the USPS' Express Mail Track and Confirm database was made and confirms that the package bearing Express Mail label No. EV653001812US was accepted on February 28, 2006.

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

This application file is being referred to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to February 28, 2006 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Denise Pothier at (571) 272-4787. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Young Cheol Kim et al.	Confirmation No.: 8079
Application No.:	60/779,174	
Filed:	3/2/2006	
Title:	INTEGRATED CIRCUIT PACKAGE SYSTEM WITH L-SHAPED LEADFINGERS	

PETITION TO CORRECT INVENTOR NAME IN A PROVISIONAL APPLICATION

Under 37 C.F.R. § 1.182

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Petitioner hereby requests that the third inventor's name be changed in the above referenced provisional application, following the procedures set out in 37 C.F.R. § 1.182.

Errors in the inventor's name occurred through typographical error without any deceptive intention on the part of the inventor.

Please change the third-listed inventor's name from:

LISTED NAME		*CORRECT NAME*
JaeHak Lee	to	Jae Hak Yee

Please provide a corrected filing receipt.

Transmitted herewith are the documents for the above-identified application:

☒ Copy of Response to Request for Corrected Filing Receipt dated 9/15/04

☒ Application Data Sheet

****

CERTIFICATE OF FAXING/TRANSMISSION (37 C.F.R.1.8a)

I hereby certify that this correspondence is on the date shown below being:

☒ Electronically filed with the: Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

Date: February 15, 2007 Signature Asha Zahrt

Asha Zahrt

☒ Declaration signed by third inventor to correctly identify his name

☒ Charge Deposit Account 50-0374 the sum of $400.00, as required by 37 CFR 1.17(f).

The Commissioner is hereby authorized to charge $400.00 to Deposit Account No. 50-0374.

At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-0374 pursuant to 37 CFR 1.25.

Respectfully submitted,

Mikio Ishimaru
Reg. No. 27,449
February 15, 2007

Ishimaru & Zahrt LLP
333 W. El Camino Real, Suite # 330
Sunnyvale, CA 94087-2554

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Peter van der Meulen :
Application No. 60/779,463 : DECISION GRANTING
Filed: March 5, 2006 : PETITION
Attorney Docket No. BLUE-0008-P60 :

This is a decision on the petition, filed April 19, 2006, requesting that the above-identified application be accorded a filing date of March 5, 2006, rather than the presently accorded date of March 6, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on March 5, 2006. In support of this allegation, the petition is accompanied by a copy of Express Mail receipt No. EQ 504465825 US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of March 5, 2006. Additionally, petitioner has submitted a copy of the United States Postal Service Track & Confirm record, which shows that the Express Mail package in question was accepted at the Boston, MA Post Office on March 5, 2006.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on March 5, 2006.

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

This application file is being referred to the Office of Initial Patent Examination (OIPE) for processing with a filing date to **March 5, 2006**. A corrected filing receipt with the requested filing date of March 5, 2006 accompanies this decision on petition.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 3218. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

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
60/779,463	03/05/2006		225	BLUE-0008-P60	75		

CONFIRMATION NO. 7700

43520
STRATEGIC PATENTS P.C..
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

CORRECTED FILING RECEIPT

OC000000021315858

Date Mailed: 11/21/2006

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)

Peter van der Meulen, Newburyport, MA;

Power of Attorney:

Robert Mazzarese--42852

If Required, Foreign Filing License Granted: 04/05/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/779,463

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

Robotic components for semiconductor manufacturing

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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Paper No: __

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OFFICE OF PETITIONS

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C/O PORTFOLIOIP
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MINNEAPOLIS MN 55402

In re Application of :
van der Meulen :
Application No. 60/779,478 : DECISION
Filed: 5 March, 2006 :
Attorney Docket No.:BLUE-0007-P60 :

This is a decision on the petition under 37 C.F.R. §1.10, filed on 19 April, 2006, seeking for the above-identified application a filing date of 5 March, 2006, rather than the presently accorded filing date of 6 March, 2006.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The instant application was received by the Office and accorded a filing date of 6 March, 2006.

The record reflects that:

- the instant application, averred to have been transmitted the package bearing US Postal Service (USPS) Express Mail Label No. EQ504464811US, was received by the Office and given a filing date of 6 March, 2006;

- with the instant petition, filed on 19 April, 2006, Petitioner provided, *inter alia*, (a) a

copy of the USPS Express Mail label bearing USPS Express Mail Label No. EQ504464811US with the hand-written "date in" of "3 5 06" and a date stamp of "MAR 5 2006," and (b) a copy of the USPS Track & Confirm statement bearing USPS Express Mail Label No. EQ504464811US and an indication of "ACCEPTANCE, March 05, 2006, 4:47 pm, BOSTON, MA 02205." **(This is a practice Petitioner prudently finds beneficial for record keeping in all Express Mail shipments to the Office, and it should be undertaken within days after Petitioner expects delivery.)**

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective

The controlling regulations are set forth at under 37 C.F.R. §1.10.[2] A baseline requirement of any petition under the Rule is that the petition "... is filed promptly after [Petitioner] becomes

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Oct. 21, 2004]

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

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

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

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

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

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

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

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

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

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

(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 toAddressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

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

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

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

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

aware ..." that the filing date may not be correct.

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

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 5 March, 2006, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 5 March, 2006.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

COPY MAILED
JUL 28 2006
OFFICE OF PETITIONS

In re Application of :
Friedman :
Filed: March 6, 2006 : ON PETITION
Application No. 60/779,521 :
Atty. Dkt. No.: 035796/2 :

This decision is in response to the petition filed May 15, 2006. This petition is being treated as a petition under 37 CFR 1.182 to accord the above-identified application a filing date of March 6, 2006 with Figures 2A-B and 3A-D as part of the original disclosure of application.

The petition is **GRANTED TO THE EXTENT INDICATED HERE**.

The above-identified application was submitted March 6, 2006. The Notice of Omitted Items in a Provisional Application ("Notice") mailed March 29, 2006 indicated that the application had been accorded a filing date, but that Figures 2A-b and 3A-D appeared to have been omitted from the application as filed.

The Notice permits applicant to either: (1) establish prior receipt in the PTO of page 1 of the specification; (2) submit the omitted page of specification and accept the date of such submission as the application filing date. An assertion that the missing page of specification was in fact deposited in the PTO with the application papers must made by way of petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item 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)); or (3) take no action thereby constructively accepting the application filed as in the USPTO without the omitted item. Failure to take any action requires amendment of the specification to cancel reference to the omitted item.

Petitioners contend that the application as filed included 14 sheets of drawings that included the figures in question.

It is not disputed that 14 sheets of drawings were submitted. However, of the 14 sheets of drawings, none of the figures contained therein were identified as Fig. 2A, 2B, 3A, 3B, 3C, or 3D.

Petitioners, however, contend that Figure 2 is comprised of three separate illustrations and that the specification refers to these illustrations as Figure 2A, 2B and 2C. Petitioners further contend that Figure 3 is comprised of four separate illustrations, and the specification refers to these illustrations as Figure 3A, 3B, 3C, and 3D.

Since it is obvious from the petition that no figures were actually missing on March 6, 2006 but that applicants had mislabeled the drawings, the application will be processed using the drawings filed on March 6, 2006.

However, the Notice was correct in advising applicants that Figures 2A-B and 3A-D appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn and the petition fee will not be refunded since the petition was not necessary to correct any PTO error.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of March 6, 2006, using the drawing sheets filed on that date.

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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OFFICE OF PETITIONS

In re Application of :
Kiley, et al. :
Application No. 60/779,609 : DECISION GRANTING PETITION
Filed: March 5, 2006 :
Attorney Docket No. BLUE-0009-P60 :

This is a decision on the petition filed April 19, 2006, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of March 5, 2006, rather than the presently accorded filing date of March 6, 2006.

The petition is **granted**.

Petitioner alleges that the application was deposited with the Express Mail Service on March 5, 2006. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EQ504465839US showing a "date-in" of March 5, 2006. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on March 5, 2006.

In view of the above, the petition is granted. The new filing date for the above-cited application is March 5, 2006.

The Office of Initial Patent Examination will further process the application with a filing date of March 5, 2006, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/779,609	03/05/2006		100	BLUE-0009-P60	1		

CONFIRMATION NO. 9783

43520
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P.O. BOX 52050
MINNEAPOLIS, MN 55402

CORRECTED FILING RECEIPT

OC000000018673426

Date Mailed: 05/03/2006

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)

Chris Kiley, Carlisle, MA;
Forest Buzan, Dunstable, MA;
Patrick Pannese, Lynnfield, MA;
Peter van der Meulen, Newburyport, MA;

Power of Attorney:

Robert Mazzarese--42852

If Required, Foreign Filing License Granted: 04/05/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/779,609

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

Wafer center finding

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

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

NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/780,017	03/06/2006		200	9948IP-000059/US/PS1	10		

CONFIRMATION NO. 1485

CORRECTED FILING RECEIPT

OC000000018476432

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Date Mailed: 04/06/2006

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)

Andy Rausch, Rochester, IN;
John Francis, Warsaw, IN;
Harry R. VanHorn II, Monterey, IN;

Power of Attorney:

Michael Hilton--33509

If Required, Foreign Filing License Granted: 03/20/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/780,017

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Sorter trainer gate 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.

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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

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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
60/780,018	03/06/2006		200	9319S-001617/PS1	1		

CONFIRMATION NO. 1486

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

CORRECTED FILING RECEIPT

OC000000019402220

Date Mailed: 06/26/2006

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)

Jose Luis Gonzalez Jimenez, Barcelona, SPAIN;
Diego Mateo Pena, Barcelona, SPAIN;
Enrique Barajas Ojeda, Barcelona, SPAIN;
Ignasi Cairo, Barcelona, SPAIN;
Masayuki Ikeda, Suwa, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **27572**.

If Required, Foreign Filing License Granted: 04/04/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/780,018

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Low noise amplifiers for low-power impulse radio ultra-wideband receivers

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

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
60/780,019	03/06/2006		200	9319S-001616/PS1	1		

CONFIRMATION NO. 1488

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

CORRECTED FILING RECEIPT

OC000000019402313

Date Mailed: 06/26/2006

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Enrique Barajas Ojeda, Barcelona, SPAIN;
Ignasi Cairo, Barcelona, SPAIN;
Masayuki Ikeda, Suwa, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **27572**.

If Required, Foreign Filing License Granted: 04/04/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/780,019

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Low-power template generator for coherent impulse-radio ultra-wideband receivers

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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JAN 05 2007

OFFICE OF PETITIONS

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

In re Application of Skocki Application No.60/780,107 Filed: March 6, 2006 Attorney Docket Number: IR-3155 Prov (2-5073) Title of Invention: Direct Schottky	:	DECISION GRANTING PETITION

This is a decision on the "Request for Correction of Filing Receipt". This request is properly treated as a petition under 37 CFR 1.10 (c) filed on May 10, 2006, requesting that the above-identified application be accorded a filing date of March 8, 2006, rather than the presently accorded filing date of March 6, 2006.

Petitioner contends the application was deposited in Express Mail service on March 8, 2006. In support, petitioner supplied a copy of Express Mail receipt No. EV606198427US (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 March 8, 2006.

The petition is **granted**.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **March 8, 2006** and issuance of a corrected Filing Receipt.

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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ANN DELORES TURNER
2006 BETHANY RIDGE TERRACE
RICHMOND VA 23236

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Ann Delores Turner :
Application No. 60/780,223 : ON PETITION
Filed: March 8, 2006 :
Attorney Docket No. None :

This is a decision in response to the communication filed March 1, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

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

The instant petition lacks items (1) and (2) above.

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.

---

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

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

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

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

Any questions concerning this decision may be directed to the undersigned at (571) 272-3204.

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

Evelyn M. Sommer
250 Park Avenue, Suite 825
New York NY 10177

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OCT 2 2 2007

OFFICE OF PETITIONS

In re Application of
Reka Souwapawong
Application No. 60/780,494
Filed: March 9, 2006
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 26, 2006 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 28, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 29, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the surcharge fee of $25 and the city and state or city of each inventor; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

A provisional application may be revived so as to be pending for a period no longer than 12 months from it's filing date. This application is hereby deemed revived until March 9, 2007, when it went abandoned as a matter of law.

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

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

Liana Walsh
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
60/780,566	03/09/2006		225	5839.065	3		

CONFIRMATION NO. 4848

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

CORRECTED FILING RECEIPT

OC000000018602023

Date Mailed: 04/24/2006

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

Applicant(s)

Kanthasamy K. Muraleetharan, Norman, OK;
Changfu Wei, Norman, OK;

Power of Attorney:

Nicolas Rouse--36992

If Required, Foreign Filing License Granted: 03/27/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/780,566

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

**** SMALL ENTITY ****

Title

Method of predicting saturation characteristics of porous materials using stress wave measurements

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/780,636	03/08/2006		100	JAM-001P	3		

CONFIRMATION NO. 3882

28661
SIERRA PATENT GROUP, LTD.
1657 Hwy 395, Suite 202
Minden, NV 89423

CORRECTED FILING RECEIPT

OC000000018799087

Date Mailed: 05/15/2006

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)

Joseph Albert McCole, Sparks, NV;

Power of Attorney:

William Wilbar IV--43265

If Required, Foreign Filing License Granted: 03/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/780,636

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

Vanity lighting apparatus

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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
60/780,736	03/08/2006		225	074717-0020	5		

CONFIRMATION NO. 5507

31824
MCDERMOTT WILL & EMERY LLP
18191 VON KARMAN AVE.
SUITE 500
IRVINE, CA 92612-7108

CORRECTED FILING RECEIPT

OC000000018672348

Date Mailed: 05/03/2006

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)

Michael Pousti, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number **31824**.

If Required, Foreign Filing License Granted: 03/27/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/780,736

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

Automatic generation of application pod

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SEP 15 2006

OFFICE OF PETITIONS

Robin M. Silva
Dorsey & Whitney LLP
Intellectual Property Department
555 California Street, Suite 1000
San Francisco, CA 94104-1513

In re Application of :
Hellerstein, et al. :
Application No. 60/780,749 : DECISION GRANTING PETITION
Filed: March 8, 2006 :
Attorney Docket No. 187585/US :

This is a decision on the petition filed May 2, 2006, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of March 8, 2006, 2006, rather than the presently accorded filing date of March 9, 2006.

Petitioner alleges that the application was deposited with the Express Mail Service on March 8, 2006. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV792965855US showing a "date-in" of March 8, 2006. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on March 8, 2006.

In view of the above, the petition is granted. The new filing date for the above-cited application is March 8, 2006.

The Office of Initial Patent Examination will further process the application with a filing date of March 8, 2006, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Robin M. Silva
Dorsey & Whitney LLP
Intellectual Property Department
555 California Street, Suite 1000
San Francisco CA 94104-1513

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AUG 07 2006

OFFICE OF PETITIONS

In re Application of :
Hellerstein, et al. : DECISION GRANTING
Application No. 60/780,793 : PETITION
Filed: March 9, 2006 :
Attorney Docket No. 187444/US :
For: RETINOIDS AND RELATED COMPOUNDS FOR THE TREATMENT OF NEUROINFLAMMATORY CONDITIONS, DISEASES AND DISORDERS

This is a decision on the petition, filed May 2, 2006 (certificate of mailing date April 28, 2006), requesting that the above-identified application be accorded a filing date of March 8, 2006 rather than the presently accorded filing date of March 9, 2006. The petition will be treated under 37 CFR 1.10(c).

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on March 8, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EV792965921US showing an illegible "date-in"**and** a USPS date stamp of MAR 8 2006. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EV792965921US was deposited with the USPS on March 8, 2006.

Accordingly, the petition is granted.

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

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **March 8, 2006**.

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

Shirene Willis Brantley
Petitions Attorney
Office of Petitions