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OIW 04-08

DAVID A. ZORNES
4348 202ND AVE. NE
SAMMAMISH WA 98074-6112

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APR 08 2008

OFFICE OF PETITIONS

In re Application of :
David Allen Zornes :
Application Number: 60/950877 : ON PETITION
Filing Date: 07/20/2007 :
For: XENON ELECTRIC SWING :
DESORPTION OF WATER IN ZEOLITES :
PLACED IN AN ELECTRIC FIELD :

This is a decision in response to the "Petition To Withdraw NOTICE OF INCOMPLETE REPLY PROVISIONAL" filed on March 4, 2008, which is treated as a petition under 37 CFR 1.181.

The petition is **dismissed**.

On July 20, 2007, the above-identified provisional application was filed.

On September 4, 2007, a Notice to File Missing Parts of Provisional Application was mailed, stating that $100.00 for the statutory basic filing fee and a $25.00 surcharge for its late filing were required.

In response, on November 5, 2007, $125.00 was submitted.

On November 23, 2007, a Notice of Incomplete Reply (Nonprovisional) was mailed, stating an additional $5.00 was due to complete the basic filing fee.

On December 17, 2007, $5.00 was submitted.

On February 7, 2008, a Notice of Incomplete Reply was mailed stating that the reply on December 17, 2007, was untimely, and that extensions of time were required.

On March 4, 2008, the present petition was filed. Petitioner asserts that the $5.00 requested by the Notice of Incomplete Reply (Nonprovisional) was erroneous, as the amount required by the Notice to File Missing Parts of Provisional Application mailed on September 4, 2007, was timely paid.

Petitioner's argument has been considered, but lacks merit. Effective September 30, 2007, USPTO fees were revised, and the basic filing fee (small entity) for a provisional application increased to $105.00. Any amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule. Petitioner's was apprised of the change in the fee amount in the *Official Gazette* publication on October 23, 2007 at 1323 O.G. 160, and in the *Federal Register* on September 28, 2007, at 72 *Fed. Reg.* 55055. As such, the showing of record is that petitioner failed to timely submit the proper fee amount. It is applicant's responsibility to ensure that fees are paid in the proper amount.1

As such, the showing of record is that the Notice of Incomplete Reply mailed on February 7, 2008, was properly mailed.

The petition is therefore **dismissed**. Any request for reconsideration must be submitted within two (2) months of the date of this decision. **This time period may not be extended.**2

It is additionally noted that the fee payment made on March 4, 2008, was returned as unpaid, and that the extendable period for reply to the Notice to File Missing Parts of Provisional Application mailed on September 4, 2007, expired on April 4, 2008. Petitioners must provide evidence that a timely and proper reply to the Notice to File Missing Parts of Provisional Application mailed on September 4, 2007, was timely filed. Alternatively, petitioner may wish to consider filing a petition to revive the application under 37 CFR 1.137(b).

The application is referred to the Office of Patent Application Processing for further processing.

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

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1 See 37 CFR 1.6 and MPEP 607.
2 37 CFR 1.181(f).

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DAVID A. ZORNES
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SAMMAMISH WA 98074-6112

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JUN 26 2008

OFFICE OF PETITIONS

In re Application of :
David Allen Zornes :
Application Number: 60/950877 : ON PETITION
Filing Date: 07/20/2007 :
For: XENON ELECTRIC SWING :
DESORPTION OF WATER IN ZEOLITES :
PLACED IN AN ELECTRIC FIELD :

This is a decision in response to the "Renewed Petition" filed on May 13, 2008, which is treated as a petition to withdraw the holding of abandonment.

The petition is **granted**.

On July 20, 2007, the above-identified provisional application was filed.

On September 4, 2007, a Notice to File Missing Parts of Provisional Application was mailed, stating that $100.00 for the statutory basic filing fee and a $25.00 surcharge for its late filing were required.

In response, on November 5, 2007, $125.00 was submitted.

On November 23, 2007, a Notice of Incomplete Reply (Nonprovisional) was mailed, stating an additional $5.00 was due to complete the basic filing fee.

On December 17, 2007, $5.00 was submitted.

On February 7, 2008, a Notice of Incomplete Reply was mailed stating that the reply on December 17, 2007, was untimely, and that extensions of time were required.

On March 4, 2008, the present petition was filed. Petitioner asserts that the $5.00 requested by the Notice of Incomplete Reply (Nonprovisional) was erroneous, as the amount required by the Notice to File Missing Parts of Provisional Application mailed on September 4, 2007, was timely paid.

The petition filed on March 4, 2008, was dismissed on April 8, 2008.

The subject renewed petition was filed on May 13, 2008. Petitioner argues that a new time period should have been set for submission of the fee deficiency.

Effective September 30, 2007, USPTO fees were revised, and the basic filing fee (small entity) for a provisional application increased to $105.00. Any amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule. Petitioner's was apprised of the change in the fee amount in the *Official Gazette* publication on October 23, 2007 at 1323 O.G. 160, and in the *Federal Register* on September 28, 2007, at 72 *Fed. Reg.* 55055.

MPEP 509 states:

> Where the Office has notified an applicant, in writing, that a fee is due and has specified a particular dollar amount for that fee, if the applicant timely submits the specified fee amount in response to the notice, the applicant should be considered to have complied with the notice so as to avoid abandonment of the application. If the fee paid by the applicant is insufficient, either because the notice specified an incorrect dollar amount for the fee or because of a fee increase effective after the mailing of the notice and before payment of the fee by the applicant, the applicant should be notified in writing by the Office of the fee insufficiency and given a new time period in which to submit the remaining balance. The written notification of the fee insufficiency should set forth the reason (i.e., the fee amount indicated by the Office in the earlier notice was incorrect or the fees have increased since the earlier notice was mailed) why applicant is being required to submit an additional fee.

Upon reconsideration, petitioner's argument is well taken, as the Notice to File Missing Parts of Provisional Application mailed on September 4, 2007, stated that $125.00 was due for the statutory basic filing fee and surcharge for its late filing, and a two (2) month period for reply was set. On September 30, 2007, the statutory basic filing fee was increased to $105.00. On November 5, 2007, petitioner paid $125.00 towards the statutory basic

filing fee and surcharge.

Accordingly, the showing of record is that, in compliance with MPEP 509, a new time period should have been set for submission of the $5.00 fee deficiency.

Therefore, the Notice of Incomplete Reply mailed on February 7, 2008, was mailed in error, and no extensions of time should have been required for a timely reply. The Notice of Incomplete Reply is vacated.

As such, there was no abandonment in fact. Any holding of abandonment is withdrawn.

The application is referred to the Office of Patent Application Processing for further processing.

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

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WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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APR 2 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Deadawn Brown	:	
Application No. 60/950,985	:	DECISION ON PETITION
Filed: July 20, 2007	:	
Attorney Docket No. 17310.1	:	

This is a decision on the request filed August 22, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $100, submitted on July 20, 2007, has been credited to petitioner's deposit account no. 23-3178 as authorized.

As no further action will be taken in this application, the request for refund of the filing fee is also being construed as a request to expressly abandon the above-mentioned application. Accordingly, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

Karen Creasy
Petitions Examiner
Office of Petitions

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Paper No.

Beck & Thomas, P.C.
SUITE 100
1575 McFARLAND ROAD
PITTSBURGH PA 15216-1808

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MAY 12 2008

OFFICE OF PETITIONS

In re Application of
Scott Willen et al.
Application No. 60/951,072
Filed: July 20, 2007
Attorney Docket No.: 060076
Title: APPARATUS FOR MAKING LIQUID GAS

DECISION ON TWO PETITIONS PURSUANT TO 37 C.F.R. §§ 1.181 AND 1.182

This is a decision on the petition filed April 14, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn. This is also a decision on the petition filed on April 29, 2008 pursuant to 37 C.F.R. § 1.182, requesting expedited handling of the petition pursuant to 37 C.F.R. § 1.181.

The petition pursuant to 37 C.F.R. § 1.182:

The petition pursuant to 37 C.F.R. § 1.182 is **GRANTED**. The petition pursuant to 37 C.F.R. § 1.181 will receive expedited handling. Receipt of the fee that is associated with this petition is acknowledged.

The petition fee of $400 will not be refunded. Rule 1.182 specifically requires the submission of a petition fee[1].

Moreover, Petitioner has asserted that the petition fee should be refunded because the "Petition to Expedite...is only necessary because of the Patent Office error." This assertion does not

1 "Any petition seeking a decision under this section **must** (emphasis added) be accompanied by the petition fee set forth in § 1.17(f)."

appear to be accurate, due to the fact that the petition pursuant to Rule 1.181 and the petition pursuant to Rule 1.182 are two separate matters. Put another way, Petitioner has made two separate requests: he has requested the withdrawal of the holding of abandonment, and he has requested expedited handling of this first request. Expedited handling of Petitioner's first request has been accorded, and as set forth in Rule 1.182, this requires the submission of a fee that is currently set at $400.

The petition pursuant to 37 C.F.R. § 1.181:

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Omitted Items in a Provisional Application (notice), mailed August 1, 2007, 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 October 2, 2007. A notice of abandonment was mailed on April 11, 2008.

With this petition, Petitioner has asserted that no response was required. Petitioner has indicated that the notice itself clearly states:

> [t]he failure to file a petition (and petition fee) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the provisional application as deposited in the USPTO.
>
> ...
>
> In the absence of a timely petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the holding of abandonment should be withdrawn.

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

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

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BRIAN M. BURN, ESQ.
C. R. BARD MEDICAL DIVISION
P.O. BOX 52050
c/o PORTFOLIOIP
MINNEAPOLIS, MN 55402

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JUL 25 2008

In re Application of :
Vasu Nishtala, et al. :
Application No. 60/951,228 : ON PETITION
Filed: July 22, 2007 :
Attorney Docket No.: 155-PDD-06-43-PROV2 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 3, 2008, to revive the above-identified provisional application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed August 3, 2007. 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. This decision precedes the mailing of a Notice of Abandonment. On April 3, 2008, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The petition lacks item (1).

In this regard, petitioner submitted an ADS and the requisite $50 surcharge; however, the ADS is not signed in accordance with 37 CFR 1.33 and 10.18. See also 37 CFR 1.4(d) for the form of the signature.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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C. R. BARD MEDICAL DIVISION
P.O. BOX 52050
c/o PORTFOLIOIP
MINNEAPOLIS, MN 55402

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In re Application of
Vasu Nishtala,et al.
Application No. 60/~~512,228~~ 60/951228
Filed: July 22, 2007
Attorney Docket No. 155-PDD-06-43-PROV2

ON PETITION

This is a decision in response to the renewed petition under 37 CFR 1.137(b), filed September 25, 2008, 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 August 3, 2007. 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. Accordingly, the application became abandoned on October 4, 2007. On April 3, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed July 25, 2008. In response on September 25, 2008, 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 a provisional application cover sheet and the $50 surcharge; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of August 3, 2007 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

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JUL 25 2008

In re Application of :
Vasu Nishtala, et al. :
Application No. 60/951,229 : ON PETITION
Filed: July 22, 2007 :
Attorney Docket No.: 155-PDD-06-43-PROV3 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 3, 2008, to revive the above-identified provisional application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed August 3, 2007. 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. This decision precedes the mailing of a Notice of Abandonment. On April 3, 2008, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The petition lacks item (1).

In this regard, petitioner submitted an ADS and the requisite $50 surcharge; however, the ADS is not signed in accordance with 37 CFR 1.33 and 10.18. See also 37 CFR 1.4(d) for the form of the signature.

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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In re Application of
Vasu Nishtala,et al.
Application No. 60/~~512,229~~ 60/951229
Filed: July 22, 2007
Attorney Docket No. 155-PDD-06-43-PROV3

ON PETITION

This is a decision in response to the renewed petition under 37 CFR 1.137(b), filed September 25, 2008, 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 August 3, 2007. 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. Accordingly, the application became abandoned on October 4, 2007. On April 3, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed July 25, 2008. In response on September 25, 2008, 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 a provisional application cover sheet and the $50 surcharge; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of August 3, 2007 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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MADISON WI 53701-1497

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APR 0 4 2008

OFFICE OF PETITIONS

In re Application of
Masakatsu Eguchi
Application No. 60/951578
Filing or 371(c) Date: 07/24/2007
Attorney Docket Number:
086573-0102

ON PETITION

This decision is in response to the Petition Under 37 CFR 1.182 to Accept Change of Inventor's Name on Application," filed February 8, 2008.

This Petition is hereby **granted to the extent indicated herein**.

Applicant files the present petition to change the inventor's name because the application as-filed did not include the inventor's full name, but a shortened first name. Petitioner requests correction of the inventor's name and a refund of the petition fee because the Office of Patent Application Processing (formerly OIPE) denied what Applicant refers to as a routine request to correct the filing receipt.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

In this instance, there existed neither a typographical or transliteration error in the spelling of an inventor's name. Rather, the inventor's full legal name was simply not

presented by Applicant with the application papers as-filed on July 24, 2007. As such, the request to change the inventor's name requires a petition and fee.

The name of the inventor has been changed from Masa, to Masakatsu. The petition fee; however, will not be refunded.

Telephone inquiries concerning this decision 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

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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
60/951,578	07/24/2007		200	086573-0102		

CONFIRMATION NO. 7386

CORRECTED FILING RECEIPT

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

OC00000029218471

Date Mailed: 04/02/2008

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 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**

Applicant(s)

Masakatsu Eguchi, Seattle, WA;

Power of Attorney: The patent practitioners associated with Customer Number 23524

If Required, Foreign Filing License Granted: 08/01/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 60/951,578**

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

Non-Publication Request: No

Early Publication Request: No

Title

BETA-TURN MIMETICS AND METHOD RELATING THERETO

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of
Scott Matthew Starling
Application No. 60/951,700
Filed: July 24, 2007
Attorney Docket Number: **IRB026PUS**

: DECISION GRANTING PETITION

This is a decision on the petition filed September 11, 2007, under 37 CFR 1.53, in response to the "Notice of Incomplete Nonprovisional Application" mailed August 24, 2007.

The application was deposited July 24, 2007. However, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that, the application had not been accorded a filing date because the application had been deposited without drawings. A two (2)-month period for reply was set.

In response, petitioners argue that the application should be accorded a filing date of July 24, 2007, because drawings were not necessary for an understanding of the subject matter sought to be patented as the application relates to a composition-of-matter.

As stated by petitioners, the USPTO practice is to treat an application that contains "(B) at least one composition claim including the term "composition," "compound," "mixture" or "pharmaceutical" in its introductory phrase" as an application for which drawings are not required. See 35 U.S.C. 113 (first sentence)

A review of the record reveals that the application contains at least one composition claim. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date and the petition is **GRANTED**.

The "Notice of Incomplete Nonprovisional Application" mailed on August 24, 2007 was sent in error and is hereby **VACATED**.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of July 24, 2007, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

Kelley Drye & Warren LLP
400 Atlantic Street, 13th Floor
Stamford, CT 06901

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APR 09 2008

OFFICE OF PETITIONS

In re Application of	:	
Amiram Steinberg	:	
Application No. 60/951,783	:	DECISION ON PETITION
Filed: July 25, 2007	:	TO WITHDRAW
Attorney Docket No. ACIM-0124(P)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 4, 2007.

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 Marvin R. Wachs on behalf of all attorneys of record. All attorneys/agents 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 of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Teri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Amiram Steinberg**
11 Lochamei Galipoli Street
MoshavAvihail, 42910
Israel

cc: **Andrew Lowes, Esq.**
Haynes and Boone LLP
2505 N. Plano Road
Suite 4000
Richardson, TX 75082-4101

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
60/951,783	07/25/2007	Amiram Steinberg	ACIM-124(P)

CONFIRMATION NO. 8318

POWER OF ATTORNEY NOTICE

47670
KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD, CT 06901

Date Mailed: 04/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/04/2007.

- 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.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Tricci SO et al. :
Application No. 60/952,155 : DECISION ON PETITION
Filed: July 26, 2007 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.182, filed, September 17, 2008, to change the name of inventor "Jeff Qian" to – Nanjian Qian --.

The petition is **DISMISSED**.

Petitioner indicates that the application, at the time of filing mistakenly identified an inventor by his nickname. Specifically the nickname "Jeff Qian" was inserted into the oath instead of the correct and legal name "Nanjian Qian". Petitioner now supplies an Application Data Sheet (ADS) and request a Corrected Filing Receipt.

The request cannot be granted because although petitioner has provided the Office with an application data sheet, the petition was not accompanied by a new Oath or Declaration as well as evidence showing the correct name of the second named inventor such a birth certificate, driver's license or passport. Furthermore, the petitioner must provide proof of permission of assignee, as well as a declaration from the inventor regarding the matter of his nickname.

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

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 22313-145

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 Michelle R. Eason at (571) 272-4231.

Thurman Page
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

LAMBERT INTELLECTUAL PROPERTY LAW
SUITE 200
10328 - 81 AVENUE
EDMONTON AB T6E 1X2 CA CANADA

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OCT 0 8 2008

OFFICE OF PETITIONS

In re Application of
James Brent Klassen
Application No. 60/952,531
Filed: July 27, 2007
Attorney Docket No. 433-10

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by May 23, 2008, 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 August 30, 2007. 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 May 18, 2008. On May 23, 2008, 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 a provisional application cover sheet and the $25 surcharge; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of August 30 2007 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

CHIOU-MUH JONG
11058 DORCH FARM ROAD
ELLICOTT CITY MD 21042

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JUL 07 2008

OFFICE OF PETITIONS

In re Application of :
Chiou-Muh JONG :
Application No. 60/952,577 :
Filed: July 29, 2007 :
Attorney Docket No. :

DECISION ON PETITION

This is a decision on the petition filed in the above-identified application.

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 $1,540. 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. No consideration on the merits can be given to the petition 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 Tredelle Jackson at (571) 272-2783.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHIOU-MUH JONG
11058 DORCH FARM ROAD
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OFFICE OF PETITIONS

In re Application of	:	
Chiou-Mu JONG	:	
Application No. 60/952,577	:	DECISION ON PETITION
Filed: July 29, 2007	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2008, 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 August 08, 2007. 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 October 09, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly the reply to the Notice to File Missing Parts of Nonprovisional Application of August 08, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 60952577 Total Records Found: 3

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/17/2008	00000026	1	2453	$770.00	07/16/2008	CK
05/14/2008	00000082	1	2052	$25.00	05/14/2008	CK
07/30/2007	00006437	4	2005	$100.00	07/29/2007	CC

OIPE IAP22
JUL 16 2008
PATENT & TRADEMARK OFFICE

IFW DAC

Application No.	:	60/952,577
Applicant	:	Chiou-muh Jong
Filed	:	7/29/2007
Customer No.	:	33847

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

Petition

Dear Sir:

Attached please find a check valued $770.00 for petition to the provision application of 60/952,577 from abandon status. This application was submitted with small entity status.

Respectfully submitted

Chiou-muh Jong

Customer No. 33847
Tel: (410) 992-5660

07/17/2008 HVUONG2 00000016 60952577
01 FC:2453 770.00 OP

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PATENT & TRADEMARK OFFICE

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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: Chiou-Muh Jong

Application No.: 60/952,577 Art Unit:

Filed: 07/29/2007 Examiner:

Title: Deer repelling apparatus for small gardens

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 Check of $25.00 (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.

Chiou-Muh Jong — Signature

5/12/2008 — Date

Chiou-Muh Jong — Typed or printed name

_____ — Registration Number, if applicable

11058 Dorsch Farm Road — Address

_____ — Telephone Number

Ellicott City, MD 21042 — 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.

5/12/08 — Date

Chiou-Muh Jong — Signature

Chiou-Muh Jong — Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

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SEP 19 2008

In re Application of :
Peter J. WYATT et al. :
Application No. 60/952,792 : DECISION ON PETITION
Filed: July 30, 2007 :
Attorney Docket No. 10807P :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed August 9, 2007. 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 October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper provisional application cover sheet as part of an application data sheet and surcharge of $50, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

As provided by 35 U.S.C. 111(b)(5), a provisional application shall be regarded as abandoned 12 months after its filing date. 37 CFR 1.137(g) further 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. Thus, even if though the petition is granted, such is granted only to establish the pendency up to the end of the 12-month period. Therefore this revived provisional application would not be considered pending after 12 months from its filing date of July 30, 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.

The Change of Correspondence Address filed July 17, 2007 has been received in the application. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. See MPEP 400 which provides that a person acting in the representative capacity but not having power of attorney can not sign a change of correspondence address (except where an executed oath or declaration has not been filed, and the patent practitioner filed the application - 37 CFR 1.33(a)). If the person signing the petition and Change of Correspondence address desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Karin Reichle at (571) 272-6051.

This application is being referred to OIPE for appropriate action in the normal course of business on the reply received May 6, 2008.

David Bucci
Petitions Examiner
Office of Petitions

Cc: Megan Corey
THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number 10870P

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First Named Inventor: Peter J. Wyatt, et al.

Application No.: 60/952,792 Art Unit:

Filed: July 30, 2007 Examiner:

Title: CONTROL SURFACES FOR APPLICATOR WITH MOVEABLE APPLICATOR HEAD

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 any 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 – required for all utility applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
[X] Authorization is given to charge the required fee under 37 CFR 1.17(m), and any additional fees that may be required in connection with submission of this petition, or to credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

2. Reply and/or Issue Fee
A. The reply to the last Communication from the Office in the form of THE NOTICE TO FILE MISSING PARTS (Notice) mailed on August 9, 2007 (identify type of reply):
[] has been filed previously on _____.
[X] is enclosed herewith.

B. The issue fee(s)
[] has been paid previously on _____.
[] transmittal form is enclosed herewith.

05/07/2008 PCHOKP 00000036 162480 60952792
01 FC:1453 1540.00 DA

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

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

COPY MAILED

JUN 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Christopher Ronald Smith, et al.	:	
Application No. 60/952,833	:	DECISION ON PETITION
Filed: July 30, 2007	:	TO WITHDRAW
Attorney Docket No. 20268-716.104 PT	:	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 February 1, 2007.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on May 14, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wilson Sonsini Goodrich & Rosati**
650 Page Mill Road
Palo Alto, CA 94304-1050

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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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JUL 29 2008

OFFICE OF PETITIONS

In re Application of :
Pierre-Yves Bounaud, et al. :
Application No. 60/952,840 : DECISION ON PETITION
Filed: July 30, 2007 : TO WITHDRAW
Attorney Docket No. 022132-008200US : 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 February 1, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on May 19, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI, GOODRICH & ROSATI
12235 EL CAMINO REAL
SUITE 200
SAN DIEGO, CA 92130

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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DIW Dec-07

WEISS & ARONS, LLP
1540 ROUTE 202
SUITE 8
POMONA NY 10970

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of :
Theresa Litherland : DECISION ON PETITION
Application Number: 60/953180 :
Filing Date: 07/31/2007 :
Attorney Docket Number: 788-4 :

This is a decision on the petition under 37 CFR 1.59(b), filed on December 3, 2007, which is treated as a petition under 37 CFR 1.183 requesting expungement of a portion of the specification of this application. This is also a decision on the petition under 37 CFR 1.182, filed on December 3, 2007, requesting that the above-indicated petition receive expedited consideration.

The petition under 37 CFR 1.183 is **GRANTED-IN-PART.**

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

On July 31, 2007, the above-identified application was filed.

On December 3, 2007, the present petition was filed.

Petitioner requests that a portion of the specification filed with the original application papers be expunged from the record because it was inadvertently filed with proprietary information. Petitioner avers that a substitute specification is filed with the subject petition.

37 C.F.R. § 1.59 sets forth:

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

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

37 CFR § 1.183 sets forth:

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

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

MPEP 724.05(IV) states:

> 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). Petitions under 37 CFR 1.183 should be directed to the Office of Petitions. The petition must explain why justice requires waiver of the rules to permit the requested material to be expunged. It should be noted that petitions to expunge information which is a part of the original disclosure, such as the specification and drawings, will ordinarily not be favorably entertained. The original disclosures of applications are scanned for record keeping purposes. Accordingly, the grant of a petition to expunge information which is part of the original disclosure would require that the USPTO record of the originally filed application be changed, which may not be possible.

While a petition to expunge a portion of the original disclosure, such as the specification and drawings, will ordinarily not be favorably entertained, it is noted that in the subject application an additional copy of the specification without the proprietary information was submitted on July 31, 2007, the date the application papers were filed.

Petitioner has established to the satisfaction of the Director that expungement of the pages containing proprietary information is appropriate.

As such, under the circumstances of this case, the Office will consider that copy of the specification and abstract filed on July 31, 2007, not including proprietary material to be the original specification present on filing.

The specification filed with the present petition will be retained in the application file, but will not be considered part of the application papers as filed.

As such, the electronic documents which contain these pages have been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

The fee for a petition under 37 CFR 1.183 is $400.00. The balance of the fee due will be charged to counsel's deposit account, as authorized in the present petition.

The address in the petition under 37 CFR 1.182 is different than the correspondence address. A courtesy copy of this decision is

being mailed to the address in the petition under 37 CFR 1.182. All future correspondence, however, will be mailed solely to the address of record.

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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Cc:

HERSHKOVITZ & ASSOCIATES, LLC
2845 DUKE STREET
ALEXANDRIA VA 22314

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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COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Koepke, et al. : DECISION ON PETITION
Application No. 60/953,322 :
Filed: August 1, 2007 :
Docket No.: 30734.4 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 10, 2008.

The Notice of Abandonment mailed April 28, 2008 indicated that the instant application was abandoned for failure to timely submit a proper reply to the "Notice of Missing Parts" mailed August 14, 2007. It is noted that a Notice of Omitted Items was mailed August 14, 2007, and not a Notice of Missing Parts.

Petitioners argue that the Notice of Omitted Items mailed August 14, 2007 did not require a reply and that failure to timely reply to the Notice of Omitted Items would constitute constructive acceptance of the application as filed on August 1, 2007.

A review of the record reveals that the Notice of Omitted Items mailed August 14, 2007 did not require a reply as failure to reply to the Notice of Omitted Items would result in constructive acceptance of the application as filed without entry of the items designated as omitted on the Notice of Omitted Items. In this case, constructive acceptance would mean acceptance of the application as filed without omitted Figure 10E. As no Notice of Missing Items was mailed in the instant application, the Notice of Abandonment was mailed in error.

In view of the evidence of record, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to the Office of Patent Application Processing for further processing with notice that the application is constructively accepted as filed, without Figure 10E as part of the disclosure of invention.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS MO 63131-3615

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of
James C. Hensley
Application No. 60/953390
Filing or 371(c) Date: 00/00/0000
Title of Invention:
TRAILER HITCH WITH SEPARATED FUNCTIONS

ON PETITION

This Decision is in response to a "Petition for to Review Under 37 CFR 1.17(f)," filed June 4, 2008, to accord the application a filing date of August 1, 2007. The petition is properly treated under 37 CFR 1.53(e).

Background

Application papers in the above-identified application were deposited on August 1, 2007. This Office mailed a Notice of Incomplete Nonprovisional Application (Notice) on May 28, 2008, informing Applicant that a filing date had NOT been accorded the application because the specification was missing. A complete specification as prescribed by 35 USC § 112 was required.

The present petition

In response to the Notice, Applicant files the present petition and avers that the application as-filed satisfies the written description requirement of § 112. In support of this assertion, Applicant states that numerous Federal Circuit holdings have established that drawings alone can provide sufficient disclosure to comply with the written description requirement under § 112. Applicant cites to *Vas-Cath, Inc. v. Maharkur*, 935 F.2d 155, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991)

Applicable Law, Rules and MPEP

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's arguments have been considered. A review of the application as filed reveals it included seven (7) pages of drawings, an Application Data Sheet ("ADS," and a Fee Transmittal only.

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 "seven (7) pages of drawings filed August 1, 2007, provides an adequate written description to meet the requirements of § 112, first paragraph, and entitle the application to a filing date. 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 present application contains drawings, and claims are not required, the present 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 seven (7) pages of 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 provisional application file is being returned to the Office of Patent Application Processing for according of a filing date of August 1, 2007.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

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AUG 15 2008

OFFICE OF PETITIONS

In re Application of :
Adam Dakin :
Application No. 60/953,570 : DECISION ON PETITION
Filed: August 02, 2007 :
Attorney Docket No. **10133/01701** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2008, 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 August 20, 2007. 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 October 21, 2007.

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 that includes the information requested in the Notice and the required fees, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of August 20, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

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

Ramesh Krishnamurthy
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	ATTORNEY DOCKET NUMBER
60/953,570	08/02/2007	Adam Dakin	10133/01701

CONFIRMATION NO. 6924

30636
FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

FORMALITIES LETTER

Date Mailed: 08/20/2007

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.

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 $50 for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$50** for a non-small entity

- **$50** 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.

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

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20036

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AUG 0 8 2008

In re Application of :
SECRIST et al. :
Application No. 60/953,621 : DECISION ON PETITION
Filed: 08/02/2007 :
Attorney Docket No. 21381-00092-US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

On August 14, 2007, the Office mailed a Notice to File Missing Parts of Provisional Application, which set a two-month extendable period to reply. In the absence of a timely and proper reply, the application became abandoned on October 15, 2007. A Notice of Abandonment was mailed on April 25, 2008.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted**.

The application is revived to the extent that it is pending for a period no longer than twelve months from its filing date. See 35 U.S.C. 111(b)(5).

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

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Patent Application Processing.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 16 2008

In re Application of	:	
Bauer et al.	:	
Application No. 60/953725	:	
Filing or 371(c) Date: 08/03/2007	:	ON PETITION
Attorney Docket Number:	:	
PC33600	:	

This decision is in response to the "Petition to Correct the Name of an Inventor in a Provisional Patent Application Under 37 CFR § 1.182," filed July 15, 2008.

The petition is **granted**.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

Applicant is further advised that

> Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or

> declaration is not required. If applicant merely files a statement notifying the Office of the typographical or transliteration error in the spelling of an inventor's name without submitting an application data sheet or a supplemental application data sheet, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

MPEP 601.05

The petition is granted.

The name of inventor Pat O'Neil has been changed to Padraig M. O'Neil and the name Padraig M. O'Neil 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/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
60/953,725	08/03/2007		200	PC33600		

CONFIRMATION NO. 7808

CORRECTED FILING RECEIPT

28523
PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON, CT 06340

OC000000032058592

Date Mailed: 09/15/2008

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)

David W. Bauer, Kalamazoo, MI;
Padraig M. O'Neil, Dublin, IRELAND;
Timothy J. Watson, Waterford, CT;
Shanghui Hu, East Lyme, CT;

Power of Attorney:
B Creagan--39156

If Required, Foreign Filing License Granted: 08/14/2007
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 60/953,725**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

PROCESS FOR PREPARING CHIRAL COMPOUNDS BACKGROUND OF THE INVENTION

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing

of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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OFFICE OF PETITIONS

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of
U I
Application No. 60/953,764
Filed: August 3, 2007
Attorney Docket No. 070050.3397

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by December 2, 2008, to revive the above-identified application. The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed February 11, 2008. 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 the name(s) of the inventor(s) and 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. On December 2, 2008, 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 a provisional application cover sheet and the $25 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of February 11, 2008 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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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

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DEC 2 1 2007

OFFICE OF PETITIONS

In re Application of Fan et al. :
Application No. 60/953,812 : Decision on Petition
Filing Date: August 3, 2007 :
Attorney Docket No. BIOE-013/00US :

This is a decision on the petition filed August 31, 2007. The petition requests, in effect, withdrawal of the "Notice Of Omitted Item(s)" mailed August 17, 2007, to the extent the Notice states Figures 6A and 6B of the drawings are missing.

The application was filed August 3, 2007.

The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" on August 17, 2007. The Notice stated Figures 6A and 6B described in the specification did not appear to be part of the application as filed.

The present petition alleges the missing drawings were part of the application. The petition indicates Figures 6A and 6B were mislabeled.

A review of the petition and the originally filed papers indicates none of the drawings were missing at the time the application was filed. However, the "Notice Of Omitted Item(s)" mailed August 17, 2007, was correct in stating that Figures 6A and 6B described in the specification appeared to have been omitted from the application papers. Therefore, the "Notice" was properly mailed and will not be withdrawn.[1]

---

[1] Attention is directed to MPEP 601.01(g) which reads in part:

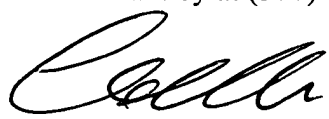
> The Office of Initial Patent Examination (OIPE) reviews application papers to determine whether all of the figures of the drawings that are mentioned in the specification are present in the application. If the application is filed without all the drawing figure(s) referred to in the specification, 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

Accordingly, the petition is **dismissed**.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of August 3, 2007, using the application papers filed August 3, 2007, including the six sheets of drawing filed on that date.

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

practitioners have indicated to the PTO that such increases are undesired. Therefore, if a Figure listed in the specification is not clearly 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.

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Paper No.

Venkat Devarakonda
BlazeTech Corp.
24 Thorndike St.
Cambridge MA 02141

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
Venkat Devarakonda and : DECISION ON PETITION
Sivakumar Manickavasagam :
Application No. 60/954,856 :
Filed: August 9, 2007 :
Title: HIGH RESOLUTION :
COLORIMETER FOR SAMPLES :
CONTAINING CONTAMINANTS :

This is in response to the "Request to withdraw the holding of abandonment for Application No. 60/954,856" filed June 10, 2008 by inventor Devarakonda.

The petition is **DISMISSED**.

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

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed August 30, 2007. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply received and no extension of time obtained, the application became abandoned effective October 31, 2007. A courtesy Notice of Abandonment was mailed on May 13, 2008.

In response, inventor Devarakonda filed this petition, requesting that the holding of abandonment be withdrawn as the entire delay was unintentional. The petition included a check for $25 to cover the late surcharge. The petition stated the

information required to be set forth on a provisional cover sheet. However, the petition did not include the signature of joint inventor Manickavasagam. In addition, the petition did not state a basis for withdrawing the holding of abandonment. Nor did the petition include the petition fee required on petition for revival pursuant to 37 CFR 1.137(b).

37 CFR 1.33(b) requires 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.

There is no indication in the record that inventor Devarakonda is a registered patent practitioner. Moreover, there is no indication that there is an assignee and that inventor Devarakonda is authorized to sign on behalf of that assignee in accordance with § 3.71. Thus, the petition must be signed by both inventors before it can be considered on the merits.

Nonetheless, it is appropriate to advise pro se applicants of the following deficiencies:

1. Applicant has not set forth any circumstances warranting withdrawal of the holding of abandonment. Rather, applicant has indicated that there was an unintentional delay in filing the response. Where failure to reply is based on unintentional delay and applicant seeks revival of the abandoned application, filing of a petition under 37 CFR 1.137(b) is appropriate. See enclosed form PTO/SB/64.

2. A petition under 37 CFR 1.137(b) must be signed by all of the inventors and must include payment of the petition fee. The petition fee is currently $810 for a small entity. No terminal disclaimer is required.

3. The petition must include the required reply. The required reply is a provisional cover sheet (under 37 CFR 1.51(c)(1)), which may be an application data sheet (37 CFR 1.76), identifying either city and state or city and foreign country of the residence of each inventor and the name of each inventor. The reply is not acceptable as currently presented as it is combined with and incorporated in the petition. The reply must be separate from the petition. See 37 CFR 1.4(c). Thus, any petition filed must include a separate provisional cover sheet (or signed supplemental application data sheet).

Finally, *pro se* applicant is reminded that 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. 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. Accordingly, even if a petition is granted this provisional application cannot be considered pending beyond the 12 month date of August 9, 2008. (As this was a Saturday, for purposes of co-pendency, Monday, August 11, 2008 was the last date for filing of a non-provisional application claiming the benefit of this provisional application).

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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BELL, BOYD, & LLOYD LLP
P.O. BOX 1135
CHICAGO IL 60690

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OFFICE OF PETITIONS

In re Application of :
McGovern, et al. :
Filed: August 9, 2007 : ON PETITION
Application No. 60/955,021 :
Docket No.: 116257-new :

The decision is in response to the petition filed September 21, 2007 to maintain a filing date of August 9, 2007 with Figure 1 as part of the disclosure of application as originally filed.

The application was filed August 9, 2007. The Notice of Incomplete Provisional Application (Notice) mailed August 23, 2007 by the Office of Initial Patent Examination indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 113.

In response, the petitioners argue that the application as filed included Figure 1 and that Figure 1 was embedded in the appendix to the specification. Alternatively, petitioners argue that drawings are not necessary for an understanding of the invention.

Upon review of the official application file, Figure 1 has been located in the electronically filed application papers. Therefore, the application was complete on filing.

The Notice mailed August 23, 2007 was mailed in error and is hereby WITHDRAWN. The petition is accordingly GRANTED.

No petition fee is due in connection with this matter. A refund will issue in due course.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 9, 2007 with Figure 1 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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OFFICE OF PETITIONS

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

In re Application of

COX, Steven J.
Application No. 60/955,285
Filed: August 10, 2007
Attorney Docket No. **21647-005P01**

DECISION ON PETITION
TO WITHDRAW
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 April 16, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no power of attorney appointing Hwa C. Lee in this application. See PTO/SB/83 (11-08).

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 Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **STEVEN J. COX**
31103 RANCHO VIEGO ROAD, #115
SAN JUAN CAPISTRANO CA 92675

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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OFFICE OF PETITIONS

In re Application of
Fredrik Gunnarsson et al.
Application No. 6[redacted] **60/955,510**
Filed: August 13, 2007
Attorney Docket No.: JRL-2380-1103

ON PETITION

In re Application of
Fredrik Gunnarsson et al.
Application No. 60/955,510
Filed: August 13, 2007
Attorney Docket No.: JRL-2380-1103

This is a response to the petition filed September 19, 2007, to expressly abandon application no. 60/955,503 and for a refund in fees charged for the duplicate application. The petition is being treated under 37 CFR 1.182 as a petition to merge applications 60/955,503 and 60/955,510.

The petition is **GRANTED** to the extent indicated.

Petitioner argues that application 60/955,503 filed using the Electronic Filing System (EFS), is a duplicate of 60/955,510 also filed using the Electronic Filing System (EFS).

Since the error has been noted, and the files of both 60/955,503 and 60/955,510 have been compared, the papers present in the file of Application No. 60/955,503 will be merged into the file of Application No. 60/955,510. Unfortunately, however, since the error was not caused by the USPTO, the duplicate filing fees paid with application 60/955,503 will be borne by the petitioner and will not be refunded.

This matter will be referred to the Office of Patent Application Processing for merging the file of application No. 60/955,503 into the file of application No. 60/955,510. Application No. 60/955,503 will no longer be an active serial number. All future correspondence concerning this application should be directed to application No. 60/955,510.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

In re Application of
Schmidt, et al.
Application No. 60/955,744
Filed: 14 August, 2007
Attorney Docket No. TSIG-100USP

DECISION ON PETITION

This is a decision on the petition filed on 2 October, 2007, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 14 August, 2007.

On 23 August, 2007, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) mailed a Notice of Incomplete Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without drawing as required under 35 U.S.C. §113 (first sentence)

OIPE indicated that Petitioner might:

- contend via petition that the application was complete upon deposit, and so evidence that

condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawings; or

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

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

On 2 October, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of the eleven sheets of drawings present on deposit on 14 August, 2007, along with a copy of Petitioner's dated ("14-AUG-2007") EFS Acknowledgement Receipt.

ANALYSIS

A search of the official file reveals that:

- on 14 August, 2007, Petitioner deposited the instant application;
- the Office record appears earlier to have reflected that drawings were missing upon deposit, however, the record now evidences their presence on deposit.
- the dated Acknowledgment Receipt evidences—in pertinent part—the following:

***

TSIG_DRWGS.pdf 11 [page count] Drawings 374720 bytes* PASS (Emphasis supplied)

***

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application, including eleven sheets of drawings, was deposited with the Office on 14 August, 2007, and eleven sheets of drawings subsequently were misplaced in the Office.

Accordingly, the application, including eleven sheets of drawings, is entitled to a filing date of 14 August, 2007.

The Notice mailed on 23 August, 2007, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed without eleven sheets of drawings.

CONCLUSION

The petition is **granted**; the petition fee waived and is refunded (credit card)—should Petitioner later find that refund not completed, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 14 August, 2007, for the entire application including eleven sheets of drawings, with pages 1 – 31 of the specification (description, claims), and 11 sheets of drawings described in the specification, using:

- **31 pages of specification (description and claims) deposited on 14 August, 2007; and**
- **eleven sheets of drawings described in the specification deposited on 2 October, 2007; and further**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 14 August, 2007, and reflecting therein that 31 pages of specification (description and claims) and 11 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[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

---

[1] The regulations at 37 C.F.R. §1.2 provide:1

§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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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

(For Applicant)

Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

(For Third Party Requester)

MAILED

MAR 2 3 2009

OFFICE OF PETITIONS

Applicant: CHRISTOPHER R. TILTON
Appl. No.: 60/956690
Filing Date: August 18, 2007
U.S. Publication No.: N/A
Pub. Date: N/A
Title: EXTRUDED GROUND CALCIUM CARBONATE PACKAGING
Attorney Docket No.: ERTHF-79868

This is in response to the "Petition for Access Under 37 CFR 1.14(h [sic i])" which was received on October 9, 2008, and applicant's "Objection to the Petition for Access" received on January 29, 2009, for the above-identified application.

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

The petition is **DISMISSED as moot.**

DECISION

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

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

filed, the file contents of the application, or a specific document in the file of the application may be provided to any person upon written request, and payment of the appropriate fee (§ 1.19(b)).

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

DECISION

Petitioner filed a petition under 37 CFR 1.14(i) requesting access to provisional application 60/956690 application, the '690 application. The '690 application became abandoned on August 18, 2007. Prior to abandonment US applications 11/945,164, 11/945,166 and 12/013,077 all claim benefit to the now abandoned '690 application under 35 U.S.C. § 119(e). The 11/945,164, 11/945,166 and 12/013,077 applications have all published as U.S. patent application publications on February 19, 2009, assigned U.S. patent application publication numbers US 20090045093 A1, US 20090045210 A1 and US 20090047499 A1 respectively. Therefore, US Patent Application No. 60/956,690 is accessible to the public under 37 CFR 1.14(b) and/or via the procedures set forth in MPEP 1730E. Therefore, the petition is **dismissed as moot.**

CONCLUSION

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

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

JOSEPH F. WEISS, JR.
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

FULWIDER • PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CALIFORNIA 90045
(310) 824-5555 • (310) 824-9696 FAX

FACSIMILE TRANSMISSION

Date: January 29, 2009

		Telephone	Facsimile
To:	Commissioner for Patents Attn: Office of Patent Legal Administration /Joseph F. Weiss, Jr.	571-272-7759	571-273-0100

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From: Thomas A. Runk

Re: Filing of:
OBJECTION TO PETITION FOR ACCESS
U.S. Application No. 60/956,690
Filing Date: August 18, 2007
Title: EXTRUDED GROUND CALCIUM CARBONATE PACKAGING
Inventor: Christopher R. Tilton

Client/Matter: ERTHF-79868

Number of pages (Incl. this page): 6

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[ ] Original to follow ☒ Original will NOT follow

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Thomas A. Runk

Signature Thomas A. Runk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Christopher R. Tilton
Application No.	:	60/956,690
Filing Date	:	August 18, 2007
For	:	EXTRUDED GROUND CALCIUM CARBONATES PACKAGING
Legal Advisor	:	Joseph F. Weiss, Jr.
Art Unit	:	N/A
Confirmation No.	:	1237
Docket No.	:	ERTHF-79868
Date:	:	January 29, 2009

OBJECTION TO PETITION FOR ACCESS

By Facsimile: 571-273-0100

Commissioner for Patents
United States Patent And Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Office of Patent Legal Administration/Joseph F. Weiss, Jr.

Dear Sir:

This is in response to the THREE WEEK LETTER dated January 8, 2009 from the Office. Applicant objects to granting the "Petition for Access to Unpublished Patent Applications" dated October 16, 2008 by One Source Industries.

application that is provided under 35 U.S.C. § 122(a). Petitioner One Source Industries bases its allegation of "special circumstances" on a letter addressed to "To Whom It May Concern" dated June 23, 2008. The letter states that Earth First Industries Incorporated has filed patent applications with the Office and that those applications "are pending at the U.S. Patent and Trademark Office ("USPTO") and are in full force." Petitioner has taken the trouble to underline and bold the words "and are in full force" without explanation of the reason for doing so. In fact, "in full force" simply means that the application is not abandoned, that all applicable fees have been paid, that any Office Actions have been responded to, that all Office requirements have been met, and that the Office designates the application as pending. Notably, that letter contains no allegation of infringement by Petitioner or its supplier of any patent application.

MPEP § 103V. "Petition for Access" (cited by Petitioner) allows for access in "special circumstances," 37 C.F.R. § 1.14(h). However, 37 C.F.R. § 1.14(h) (2) requires:

> A showing ... that special circumstances exist which warrant petitioner being granted access to all or part of the application.

MPEP § 103V. provides that:

> Each petition should show not only why access is desired, but also why petitioner believes he or she is entitled to access.

Continuing with MPEP § 103V.:

> "Special circumstances" could be found where an applicant has relied upon his or her application as a means to interfere with a competitor's business or customers.

However, Petitioner merely states in its Petition, through its attorney, that the July 23, 2008 To Whom It May Concern letter:

> was sent to a supplier for the petitioner, thereby interfering with petitioner's business

but does not provide any facts to the Office to support this conclusion that "interference" has occurred. Rather than providing the Office with declarations of facts or any other evidence showing the existence of actual interference with its business so that the Office can make an independent analysis and judgement to determine if special circumstances exist, Petitioner

apparently asks the Office to take its word that the letter has "interfered with its business." Neither the case law cited by Petitioner nor any other case law supports such a result.

In particular, in the case of Ex parte Bonnie-B Co., Inc. 1923 C.D. 42 cited by Petitioner, the applicant sent the Bonnie-B Co., Inc., a notice of infringement, which is not the case here. Merely stating that patent applications exist and are in full force (i.e., not abandoned) as was done in the July 23, 2008 To Whom It May Concern letter is not a notice of infringement.

The second case cited by Petitioner, In re Application for Trimless Cabinets, 128 USPQ 95 (1960), held that the:

> . . . fact that one notifies specific individuals that there is a pending application, which may cover product which individuals make, use, or sell, is not such interference as to warrant waiver of secrecy guaranteed by statute and Patent Office Rule 14,; thus, petition for access to application is denied.

In this case, Standard Fire Hose Company sent a letter to petitioner stating that Trimless Cabinets manufactured by the petitioner are an infringement of the claims of an application which Standard has pending. However, no allegation of infringement is included in the July 23, 2008 To Whom It May Concern letter about which Petitioner complains.

Petitioner also cites the case of In re Crossman, Kenrick and LeMieux, 187 USPQ 367 (1975) to support its allegation of interference. In that case, the applicant sent a letter indicating that Brunswick Corp. would take prompt action to stop such sales when its patent issues. It was held that:

> it does not appear that Brunswick's warnings to petitioner and its actual or potential customers exceeded the bounds of propriety, or amounted to anything more than fair notice that it intended to enforce its patents when and if obtained on the subject applications. In short, petitioner has not demonstrated "special circumstances" justifying exception to the statutory mandate relating to confidential status of applications

Once again, the July 23, 2008 To Whom It May Concern letter does not include any statement of an intent to enforce patents against anyone.

Turning now to the last case cited by Petitioner to support its position, the Gardener v. Cicndel case was a district court case that pertained to an unfair competition claim. In the Gardener case, the applicant sent a letter to customers of Gardener informing the recipients that they were infringing "patent rights" and the letter directly threatened the recipients with an action for patent infringement. However, there were no patent rights at that time.

Once again, the July 23, 2008 To Whom It May Concern letter relied upon by Petitioner does not contain any threat of an action for patent infringement. That letter does not support any finding of "special circumstances." There is no statement alleging any present existence of patent rights, any intent to enforce any patents or future patents against the recipient of the letter, or anything else that may qualify as "special circumstances."

In summary, Petitioner has not cited a single precedent by the Office or courts that support the finding of special circumstances in this case. All cases cited by Petitioner are based on the factual situation of alleging infringement or the express mention of an intent to enforce patents (which was found to not be "special circumstances").

In reviewing the July 23, 2008 To Whom It May Concern letter more closely, applicant would like to point out to the Office that no addressee is given, other than To Whom It May Concern. The subject block of the letter ("Re") merely states on its first line "Status of U.S. Patent Applications." The writer of the letter merely confirms in the body that applications are pending and in full force (not abandoned). There is nothing further in the letter to indicate to whom the letter was sent or delivered or for what purpose. Indeed, given the information provided in the letter alone, it appears to be a status letter for the patent applications of the applicant. Such status letters can have various purposes, one of which is to obtain financing for a company. Another is to reassure existing or potential investors that patent applications have been filed and remain in force at the USPTO. Another possible purpose is to inform or reassure a potential supplier that investing in the production of a material can be rewarded by the protection provided by possible future patents. None of these possible uses for the July 23, 2008 To Whom It May Concern letter support a finding of "special circumstances" by the Office and Petitioner has not provided any facts to the Office to indicate otherwise.

It was Petitioner's obligation to provide the Office with a showing that the July 23, 2008 To Whom It May Concern letter actually interfered with its business. Petitioner did not inform the Office of the circumstances under which the supplier received the July 23, 2008 To Whom It May Concern letter, although Petitioner could have done so. Petitioner did not name the supplier who received the July 23, 2008 To Whom It May Concern letter so that applicant could respond, although Petitioner could have done so. Petitioner did not provide the Office with facts about any negative effects the July 23, 2008 To Whom It May Concern letter had on the supplier, although Petitioner could have done, so if there were any. And Petitioner did not provide the Office with facts about how its business was interfered with by the letter, although it could have done so, if there really was any interference. In short, Petitioner had access to any facts that existed to support its position of business interference, yet Petitioner has chosen to remain silent about those facts. Applicant requests that this silence be construed against the Petitioner as an indication that there was no such business interference, and the petition denied.

In conclusion, applicant asserts that Petitioner has not met its obligation to make a showing that "special circumstances exist which warrant petitioner being granted access to all or part of the application," or its obligations to "show not only why access is desired, but also why petitioner believes he or she is entitled to access" under MPEP § 103V. Accordingly, applicant objects to granting the petition and requests that it be denied.

Respectfully submitted,
FULWIDER PATTON LLP

By: _____
Thomas A. Runk,
Registration No. 30,679

TAR/jb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696

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

JACKIE JAY SCHWARTZ
1350 BROADWAY
SUITE 1510
NEW YORK NY 10018

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NOV 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Avi Oron	:	
Application No. 60/956,751	:	DECISION ON PETITION
Filed: August 20, 2007	:	
Attorney Docket No. 1155-2	:	

This is a decision on the request filed October 24, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $100, submitted on August 20, 2007, has been credited to petitioner's credit card.

As no further action will be taken in this application, the request for refund of the filing fee is also being construed as a request to expressly abandon the above-mentioned application. Accordingly, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 28 2008

CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE CA 95134-1709

In re Application of :
Jagadeesan Rajamanickam et al :
Application No. 60/957,946 : ON PETITION
Filed: August 24, 2007 :
Attorney Docket No. CD2007213 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice mailed September 4, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The Notice mailed September 4, 2007, stated that a surcharge fee of **$50** was required.

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

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

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

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

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

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
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CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE CA 95134-1709

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Jagadeesan Rajamanickam et al :
Application No. 60/957,946 : DECISION ON PETITION
Filed: August 24, 2007 :
Attorney Docket No. CD2007213 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 28, 2008, 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 (ADS)/Power of Attorney and surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed September 4, 2007, is accepted as having been unintentionally delayed.

The signature on the transmittal letter submitted with the petition on August 12, 2008, which reference the ADS is also being construed as the signature for the ADS. For future reference applicant is encouraged to note 37 CFR 1.33 and 10.18.

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

Wilfred Holness
Suite 4A
4400 Wickham Ave.
Bronx NY 10466

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JUN 16 2008

OFFICE OF PETITIONS

In re Application of :
Wright : DECISION ON PETITION
Application No. 60/958,923 :
Filed: July 10, 2007 :
Docket No.: CND101PRO :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 9, 2008.

The Notice of Abandonment mailed April 2, 2008 indicated that the instant application was abandoned for failure to timely submit a proper reply to the Notice of Missing Parts mailed July 23, 2007.

Petitioner argues that a Notice of Missing Parts was not mailed in the instant application, but that a Notice of Omitted Items was mailed July 23, 2007. Petitioner argues that the Notice of Omitted Items did not require a reply and that failure to timely reply to the Notice of Omitted Items would constitute constructive acceptance of the application as filed on July 10, 2007.

A review of the record reveals that the Notice of Omitted Items mailed July 23, 2007 did not require a reply. As no Notice of Missing Items was mailed in the instant application, the Notice of Abandonment was mailed in error.

In view of the evidence of record, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to the Office of Patent Application Processing 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
P.O. Box 1450
Alexandria, VA 22313-1450
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JAMES B. WHITE
6325 W. BUTTERFIELD PARKWAY 31
HERRIMAN, UTAH 84096-3819

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OCT 0 8 2008

OFFICE OF PETITIONS

In re Application of :
James B. White :
Application No. 60/959,330 : ON PETITION
Filed: July 27, 2007 :
Attorney Docket No. 433-10 :

This is a decision in response to the communication filed April 21, 2008, which is being treated as a petition 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 require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional or unavoidable delay or to accept an unintentionally or unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620 for an unintentional petition and $540 for an unavoidable petition. 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.

Since the petition in was not accompanied by payment of the required fee, no consideration on the merits can be given to the petition.

Petitioner is reminded that subject to the provisions of 35 U.S.C. § 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

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 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
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SEP 10 2007

OFFICE OF PETITIONS

FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

In re Application of
John M. Ellis
Application No. 60/959,502
Filed: July 16, 2007
Attorney Docket No: ELIN 2 00001

: DECISION ON PETITION

This is a decision on the petition to accord a filing date, filed August 9, 2007, 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 July 16, 2007.

The petition is **GRANTED**.

The instant provisional application papers as deposited on July 16, 2007 consisted of twenty-eight (28) pages of drawings. On July 24, 2007, 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, the instant petition to accord a filing date of July 16, 2007 includes an argument that twenty-two (22) sheets of the drawings had captions that within the meaning of 35 U.S.C. 112, could be construed as the written description. Petitioner further argues that the caption was in sufficient detail that one skilled in the art can reasonably conclude that applicant had possession of the invention thus entitling the application to a filing date of July 16, 2007. .

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.

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. 06-0308, as authorized.

The provisional application file is being returned to the Office of Initial Patent Examination for **correction of the filing date to July 16, 2007**. In as much as the filing date is accorded based on the application as filed on July 16, 2007, the description filed with the petition August 9, 2007 is 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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TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO CA 92121

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JUL 17 2008

In re Application of	:	
Richard G. Trissel	:	
Application No. 60/959912	:	DECISION ON
Filing or 371(c) Date: 07/17/2007	:	PETITION
Attorney Docket Number: 776	:	

This is a decision in response to the "Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a)," filed May 23, 2008, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed August 8, 2007. The Notice set two (2) month period for reply. No response having been received, the application became abandoned on October 9, 2007. A Notice of Abandonment was mailed April 21, 2008.

Applicant files the present petition and asserts that the Notice of Abandonment was mailed in error. Applicant states that the drawings were mis-labeled, and no correction of the application was required.

A review of the Notice reveals that the Notice provided Applicant with the option to either file a petition contending that the omitted item was deposited with this Office, or not filing a petition and accepting the application as deposited with this Office, and maintaining the filing date as of the date of deposit of the application papers, with the application including only those present on the date of deposit of the application.

In view of the foregoing, the petition to revive the application is granted.

The application will be referred to the Office of Patent Application Processing for continued processing in the normal course of business.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON PEABODY LLP
401 9TH STREET NW
SUITE 900
WASHINGTON DC 20004-2128

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of :
Schwinn, et al. :
Application No. 60/960,233 : ON PETITION
Deposited: September 21, 2007 :
Attorney Docket No. 081817-001099 :

This is a decision on the "PETITION UNDER 37 CFR 1.153(e)(2)", filed November 29, 2007, which is being treated as a petition under 37 CFR 1.53.

The petition is **DISMISSED**.

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

Application papers were deposited on September 21, 2007. However, on October 11, 2007, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because the application was deposited without a specification.

On petition, applicant argues that a specification is not required because the disclosure fully complies with 35 U.S.C. 112. Specifically, petitioner points out that the invention relates to the layout of a flight display and bezel, and that one of skill in the art would readily be able to create the invention based on the drawings.

Petitioner's argument has been considered, but is not persuasive. 35 U.S.C. 112 is clear that the specification shall contain a written description. Contrast this 35 U.S.C. 113, which states that drawings shall be submitted "where necessary for the understanding of the subject matter." Moreover, 35 U.S.C. 112 is a statutory requirement, and can not be waived.

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 should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY LLP
401 9TH STREET NW
SUITE 900
WASHINGTON DC 20004-2128

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OCT 2 2 2008

OFFICE OF PETITIONS

In re Application of :
Schwinn, et al. :
Application No. 60/960,233 : ON PETITION
Deposited: September 21, 2007 :
Attorney Docket No. 081817-001099 :

This is a decision on the "PETITION UNDER 37 CFR 1.53(e)(2)", filed June 16, 2008.

The petition is **DISMISSED**.

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

Application papers were deposited on September 21, 2007. However, on October 11, 2007, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because the application was deposited without a specification.

On petition filed November 29, 2007, applicant argued that a specification was not required because the disclosure fully complied with 35 U.S.C. 112. Specifically, petitioner pointed out that the invention related to the layout of a flight display and bezel, and that one of skill in the art would readily be able to create the invention based on the drawings.

However, the petition was dismissed in a decision mailed on May 13, 2008. The decision cited to 35 U.S.C. 112, which states that the specification shall contain a written description.

On renewed petition, petitioner agrees that 35 U.S.C. 112 requires a specification containing a written description. However, petitioner cites to the case of Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991), to support the proposition that drawings alone may provide a written description of an invention as required by §112. According to petitioner, one skilled in the art would understand that as of the filing date sought, the applicants were in possession of the invention.

Petitioner's arguments have been considered, but again are dismissed. Based upon the original filing (5 sheets of drawings and no other description than the title of "Flight Data Display"), it is not clear who would be the person of ordinary skill in the art. For example, it is not clear if this is data that would be displayed inside an airplane, in a control tower, or data that would be displayed across the internet. There is nothing in the original disclosure that would enable one of make and use the invention. Furthermore, it is not even clear from the drawings provided what the invention is that is represented by the drawings.

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 should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

Susan Tandan
Suite 1020
50 Queen Street N.
Box 2248
Kitchener ON N2H 6M2 CA CANADA

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FEB 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Stephen W. Scherer et al.	:	
Application No. 60/960,572	:	DECISION ON PETITION
Filed: October 4, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket No. K8000531US	:	§ 1.53(E)(2)
Title: BIOMARKERS FOR AUTISM SPECTRUM DISORDERS	:	

This is a decision on the petition filed December 4, 2007, requesting that a filing date be accorded to the above-identified application.

On October 4, 2007, the above-identified application was deposited. On November 13, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application - Filing Date Not Granted (notice)", advising applicant that the application was deposited without drawings, and that a filing date would be accorded upon the submission of drawings.

On December 4, 2007, Petitioner submitted this petition, along with an assertion that drawings are not necessary for an understanding of the subject matter sought to be patented.

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

The attorney of record has set forth, over her registration number:

> The Applicant submits that drawings are not necessary for an understanding of the subject matter sought to be patented...

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

The application file is being returned to the Office of Patent Application Processing (OPAP) for further processing with a **filing date of October 4, 2007,** the date of deposit of the application, using only the original application papers filed on that date. OPAP will then **mail an updated filing receipt.**

Petitioner has indicated "the specification as filed refers to Figures 1-5 in error." 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 general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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 record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of
Willem Kalf
Application No. 60/960,644
Filed: October 9, 2007
Attorney Docket No. 1857.8560000

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed February 27, 2009, to change the name of inventor "Kalf Willem Kalf" to – Willem Kalf --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name.

Any questions concerning this matter may be directed to Karen Creasy at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for correction of the title as requested in the above petition submitted on February 27, 2009, and for the mailing of a corrected filing receipt.

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
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David A. Frijouf, Esquire
Frijouf, Rust & Pyle, P.A.
201 East Davis Boulevard
Tampa FL 33606

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of	:	
David E. Moffitt	:	
Application No. 60/961186	:	
Filing or 371(c) Date: 07/18/2007	:	
Attorney Docket Number:	:	
2007-0149	:	ON PETITION

This is a decision on the "Petition to Withdraw Notice of Abandonment," filed June 9, 2008. The petition is properly treated under 37 CFR 1.181(a).

This Petition is **granted**.

The application was filed on July 18, 2007. On August 10, 2007, this Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Nonprovisional Application. The Notice stated that Figure(s) 65 described in the specification appeared to have been omitted from the application. The Notice stated, in relevant part, that in the absence of a timely petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e. the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

Applicant did not file a response to the Notice.

Because Applicant failed to respond to the Notice, this Office mailed a Notice of Abandonment on April 21, 2008.

Applicant files the present petition and avers that, as per the Notice, no reply to the Notice was required, and Applicant has chosen to accept the application as-deposited in this Office. Applicant therefore requests withdrawal of the holding of abandonment.

In view of the foregoing, the petition is granted. The application is being referred to the Office of Patent Application Processing for withdrawal of the holding of abandonment.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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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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EDWARDS ANGELL PALMER & DODGE LLP
(CLIENT REFERENCE NO. 47992)
PO BOX 55874
BOSTON MA 02205

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of :
Adrian Wiestner et al. :
Application No. 60/961,202 : DECISION GRANTING PETITION
Filed: July 18, 2007 :
Attorney Docket No.: 68516P(47992) :

This is a decision on the petition filed September 17, 2007, in response to the "Notice of Omitted Items" mailed August 6, 2007, which is treated under 37 CFR 1.182.

The instant application was filed July 18, 2007 and a filing date was accorded. However, the Notice indicated that Figures 1A, 1B and 1C described in the specification appeared to have been omitted.

Petitioner asserts that Figures 1A, 1B and 1C were among the papers filed on July 18, 2007, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the application included 14 sheets of drawings and bears a United States Patent and Trademark Office date-stamp of July 18, 2007. However, only thirteen (13) sheets of drawing figures is of record and while the postcard did not specifically itemize the number of Figures, it is obvious that Figures 1A, 1B and 1C were on sheet 1 of 14. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fee is due. Petitioner's deposit account no. 04-1105 will be credited in the amount of $400.00.

This matter will be forwarded to the Office of Patent Application Processing for further processing, using the application papers received in the Office on July 18, 2007 and Figures 1A, 1B and 1C submitted on petition September 17, 2007.

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

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AUG 2 5 2008

In re Application of :
Nafees B. ZAFAR et al. :
Application No. 60/962,120 : DECISION ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. **64915-8004.US00** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed August 09, 2007. 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 October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Provisional Application is accepted as having been unintentionally delayed.

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.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **PERKINS COLE LLP**
101 JEFFERSON DRIVE
MENLO PARK, CA 94025

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 64915-8004.US00

First named inventor: Nafees B. Zafar

Application No: 60/962,120 Art Unit: N/A

Filed: July 25, 2007 Examiner: N/A

Title: Method and System For Scattered Spherical Harmonic Approximation

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 any 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 $ 770.00 (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.

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	April 29 2008 Date
Brian R. Coleman Typed or printed name	39,145 Registration Number, if applicable
Perkins Coie LLP 101 Jefferson Drive Menlo Park, CA 94025 Customer No.: 22918 Address	(650) 838-4300 Telephone Number

Enclosures:

☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: $125 filing fee in Response to Notice to File Missing Parts mailed 08/09/2007

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 60962120 Total Records Found: 4

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/25/2008	00006245	4	2005	$105.00	04/24/2008	DA 502207
04/25/2008	00006246	4	2052	$25.00	04/24/2008	DA 502207
04/25/2008	00006247	4	2453	$770.00	04/24/2008	DA 502207
12/10/2007	00007758	4	8021	$40.00	12/08/2007	DA 502207

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

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NOV 19 2008

In re application of :
Perry Mervar :
Application No. 60/962,331 : DECISION GRANTING PETITION
Filed: July 27, 2007 :
Attorney Docket No. APPMT-P0001 :

This is a decision on the "Request for Corrected Filing Receipt to Correct Filing Date Under 37 CFR §1.10(c)" filed June 25, 2008, requesting that the above-identified application be accorded a filing date of July 27, 2007, rather than the presently accorded filing date of July 30, 2007.

The petition is **GRANTED**.

Petitioner maintains that applicants properly deposited Express Mail Label No. EV833371160US and the above-identified provisional application papers with the United States Postal Service (USPS) on July 27, 2007. It is noted that while petitioner argues that "the 'Express Mail" mailing label shows a 'date-in' as July 27, 2007," no copy of an USPS "Post Office to Addressee" "Express Mail" mailing label is found among the evidence submitted. Petitioner does submit, *inter alia*, a true copy of the USPS Pickup Service Statement For Express Mail.., showing that a package bearing Express Mail label No. EV833371160US (the same Express Mail number found on the papers located in the official Image File Wrapper) was picked up by the USPS.

Preliminarily, it is concluded that the petition was filed promptly within the meaning of §1.10(c)(1). The evidence of record further shows that the number of the "Express Mail" mailing label, EV833371160US, is on the correspondence of record presently accorded a filing date of July 30, 2007, and thus, was placed on the correspondence prior to the original mailing.

Finally, the USPS Service Statement shows by signature of an USPS employee that the "Express Mail" package bearing mailing label No. EV833371160US was picked up at 4:45p on July 27, 2007.

Having considered the evidence, it is concluded that petitioner has shown that the requested filing date, July 27, 2007, is the date the correspondence was entrusted to a postal service employee prior to the last scheduled pickup of the day. Further, it is noted that the USPS Track & Confirm restoration records corroborate a "date-in" of July 27, 2007, as it shows that the "Express Mail" package in question was accepted at the USPS located in Indianapolis, IN 46204 at 4:50pm on July 27, 2007.

In view of the above, the proper date to be accorded this application is July 27, 2007, not July 30, 2007.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **July 27, 2007** and issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MR. A. M. EL-TAWIL
C13 NUFFIELD HOUSE (QEH)
EDGBASTON
BIRMINGHAM B15 2TH
UNITED KINGDOM

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JUL 16 2008

In re Application of :
A.M. El-Tawil :
Application Number: 60/963577 : ON PETITION
Filing Date: 08/06/2007 :
For: NOVEL TREATMENT FOR IBD :

This is a decision in reference to the letter filed on May 13, 2008, which is treated as a petition to withdraw the holding of abandonment.

This application became abandoned on October 22, 2007, for failure to file a timely reply to the Notice to File Missing Parts of Provisional Application mailed on August 21, 2007, 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 May 2, 2008.

Petitioner *pro se* asserts, in pertinent part that "I have received no letter from your office in August 2007."

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Provisional Application ("Notice") mailed on August 21, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by showing that the Notice mailed on August 21, 2007, was not in fact received.

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (*e.g.*, if the practitioner has a history of not receiving Office actions).

Petitioner has not provided evidence as stated above showing that the Notice was not received. In the absence of a showing of evidence that the Notice was not received, the holding of abandonment will not be withdrawn.

As such the application is properly held abandoned.

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 1.181." Extensions of time are permitted under 37 CFR 1.136(a). In the alternative, petitioner may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

A courtesy copy of the Notice mailed on August 21, 2007, and the current fee schedule, has been included for petitioner's use in preparing a reply, should petitioner wish to file a petition to revive the application.

Petitioner should note that the small entity basic filing fee for a provisional application is currently $105.00.

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 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

Cf: Notice mailed on August 21, 2007
PTO/SB/64
Current Fee Schedule

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
Effective September 30, 2007 *

Any fee amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule.
The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.
For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

* The effective date for the fee amounts for PCT fee codes 1602 and 1604 is November 9, 2007.
The effective date for the fee amount for Trademark fee code 7212 is November 10, 2007.
The effective date for the fee amounts for PCT fee codes 1701, 1702, and 1710 is November 15, 2007.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Application Filing Fees				
1011/2011	1.16(a)(1)	Basic filing fee - Utility ***filed on or after December 8, 2004***	310.00	155.00
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) ***filed on or after December 8, 2004***	N/A	75.00
1001/2001	1.16(a)(2)	Basic filing fee - Utility ***filed before December 8, 2004***	810.00	405.00
1201/2201	1.16(h)	Independent claims in excess of three	210.00	105.00
1202/2202	1.16(i)	Claims in excess of 20	50.00	25.00
1203/2203	1.16(j)	Multiple dependent claim	370.00	185.00
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00	65.00
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	260.00	130.00
1012/2012	1.16(b)(1)	Basic filing fee - Design ***filed on or after December 8, 2004***	210.00	105.00
1002/2002	1.16(b)(2)	Basic filing fee - Design ***filed before December 8, 2004***	360.00	180.00
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) ***filed on or after December 8, 2004***	210.00	105.00
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) ***filed before December 8, 2004***	360.00	180.00
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	260.00	130.00
1013/2013	1.16(c)(1)	Basic filing fee - Plant ***filed on or after December 8, 2004***	210.00	105.00
1003/2003	1.16(c)(2)	Basic filing fee - Plant ***filed before December 8, 2004***	570.00	285.00
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	260.00	130.00
1014/2014	1.16(e)(1)	Basic filing fee - Reissue ***filed on or after December 8, 2004***	310.00	155.00
1004/2004	1.16(e)(2)	Basic filing fee - Reissue ***filed before December 8, 2004***	810.00	405.00
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) ***filed on or after December 8, 2004***	310.00	155.00
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) ***filed before December 8, 2004***	810.00	405.00
1204/2204	1.16(h)	Reissue independent claims in excess of three	210.00	105.00
1205/2205	1.16(i)	Reissue claims in excess of 20	50.00	25.00
1084/2084	1.16(s)	Reissue Application Size Fee – for each additional 50 sheets	260.00	130.00
1005/2005	1.16(d)	Provisional application filing fee	210.00	105.00
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	260.00	130.00
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00	25.00
1053	1.17(i)	Non-English specification	130.00	
Patent Search Fees				
1111/2111	1.16(k)	Utility Search Fee	510.00	255.00
1112/2112	1.16(l)	Design Search Fee	100.00	50.00
1113/2113	1.16(m)	Plant Search Fee	310.00	155.00
1114/2114	1.16(n)	Reissue Search Fee	510.00	255.00
Patent Examination Fees				
1311/2311	1.16(o)	Utility Examination Fee	210.00	105.00
1312/2312	1.16(p)	Design Examination Fee	130.00	65.00
1313/2313	1.16(q)	Plant Examination Fee	160.00	80.00
1314/2314	1.16(r)	Reissue Examination Fee	620.00	310.00
Patent Post-Allowance Fees				
1501/2501	1.18(a)	Utility issue fee	1,440.00	720.00
1502/2502	1.18(b)	Design issue fee	820.00	410.00
1503/2503	1.18(c)	Plant issue fee	1,130.00	565.00
1511/2511	1.18(a)	Reissue issue fee	1,440.00	720.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	
1505	1.18(d)	Publication fee for republication	300.00	

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

† The 4000 series fee code may be used via EFS-Web at *www.uspto.gov/ebc/efs/.*

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Maintenance Fees				
1551/2551	1.20(e)	Due at 3.5 years	930.00	465.00
1552/2552	1.20(f)	Due at 7.5 years	2,360.00	1,180.00
1553/2553	1.20(g)	Due at 11.5 years	3,910.00	1,955.00
	1.20(h)	Surcharge - Late payment within 6 months	130.00	65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable	700.00	
1558	1.20(i)(2)	Surcharge after expiration - Late payment is unintentional	1,640.00	
Miscellaneous Patent Fees				
1801/2801	1.17(e)	Request for Continued Examination (RCE) (see 37 CFR 1.114)	810.00	405.00
1808	1.17(i)	Processing fee, except in provisional applications	130.00	
1803	1.17(i)	Request for voluntary publication or republication	130.00	
1802	1.17(k)	Request for expedited examination of a design application	900.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action	920.00*	
1805	1.17(o)	Request for publication of SIR - After examiner's action	1,840.00*	
1806	1.17(p)	Submission of an Information Disclosure Statement	180.00	
1807	1.17(q)	Processing fee for provisional applications	50.00	
1809/2809	1.17(r)	Filing a submission after final rejection (see 37 CFR 1.129(a))	810.00	405.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b))	810.00	405.00
Post Issuance Fees				
1811	1.20(a)	Certificate of correction	100.00	
1812	1.20(c)(1)	Request for ex parte reexamination	2,520.00	
1813	1.20(c)(2)	Request for inter partes reexamination	8,800.00	
1821/2821	1.20(c)(3)	Reexamination independent claims in excess of three	210.00	105.00
1822/2822	1.20(c)(4)	Reexamination claims in excess of 20	50.00	25.00
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00
Patent Extensions of Time Fees				
1251/2251	1.17(a)(1)	Extension for response within first month	120.00	60.00
1252/2252	1.17(a)(2)	Extension for response within second month	460.00	230.00
1253/2253	1.17(a)(3)	Extension for response within third month	1,050.00	525.00
1254/2254	1.17(a)(4)	Extension for response within fourth month	1,640.00	820.00
1255/2255	1.17(a)(5)	Extension for response within fifth month	2,230.00	1,115.00
Patent Appeals/Interference Fees				
1401/2401	41.20(b)(1)	Notice of appeal	510.00	255.00
1402/2402	41.20(b)(2)	Filing a brief in support of an appeal	510.00	255.00
1403/2403	41.20(b)(3)	Request for oral hearing	1,030.00	515.00
Patent Petition Fees				
1462	1.17(f)	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400.00	
1463	1.17(g)	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200.00	
1464	1.17(h)	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	130.00	
1451	1.17(j)	Petition to institute a public use proceeding	1,510.00	
1452/2452	1.17(l)	Petition to revive unavoidably abandoned application	510.00	255.00
1453/2453	1.17(m)	Petition to revive unintentionally abandoned application	1,540.00	770.00
1454	1.17(t)	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,410.00	
1455	1.18(e)	Filing an application for patent term adjustment	200.00	
1456	1.18(f)	Request for reinstatement of reduced term	400.00	
1457	1.20(j)(1)	Extension of term patent	1,120.00	
1458	1.20(j)(2)	Initial application for interim extension (see 37 CFR 1.790)	420.00	
1459	1.20(j)(3)	Subsequent application for interim extension (see 37 CFR 1.790)	220.00	

* Reduced by basic filing fee paid.

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Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
PCT Fees - National Stage				
1631/2631	1.492(a)	Basic National Stage Fee	310.00	155.00
1641/2641	1.492(b)(2)	National Stage Search Fee - U.S. was the ISA	100.00	50.00
1642/2642	1.492(b)(3)	National Stage Search Fee - search report prepared and provided to USPTO	410.00	205.00
1632/2632	1.492(b)(4)	National Stage Search Fee - all other situations	510.00	255.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	210.00	105.00
1614/2614	1.492(d)	Claims - extra independent (over three)	210.00	105.00
1615/2615	1.492(e)	Claims - extra total (over 20)	50.00	25.00
1616/2616	1.492(f)	Claims - multiple dependent	370.00	185.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	260.00	130.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.00	65.00
1618	1.492(i)	English translation after 30 months from priority date	130.00	
PCT Fees - International Stage				
1601	1.445(a)(1)	Transmittal fee	300.00	
1602	1.445(a)(2)	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	1,800.00	
1604	1.445(a)(3)	Supplemental search fee when required, per additional invention	1,800.00	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.00	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.00	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.00	
1619		Late payment fee	VARIABLE	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.00	
PCT Fees to Foreign Offices *				
1701		International filing fee (first thirty pages) - PCT Easy	1,080.00	
1702		International filing fee - (first thirty pages)	1,163.00	
1703		Supplemental international filing fee (for each page over thirty)	12.00	
1704		International search (EPO)	2,197.00	
1705		Handling fee	155.00	
1706		Handling fee – 75% reduction, if applicant(s) meets criteria specified at: *www.wipo.int/pct/en/fees/fee_reduction.pdf*	38.75	
1708		International CD applications	4,800.00	
1709		International search (KIPO)	232.00	
1710		International filing fee (first 30 pages) – filed electronically w/ PCT Easy file	997.00	
Patent Enrollment Fees				
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.00	
9003	1.21(a)(2)	Registration to practice or grant limited recognition under §11.9(b) or (c)	100.00	
9004	1.21(a)(3)	Reinstatement to practice	40.00	
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.00	
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.00	
9010	1.21(a)(1)(ii)(A)	For test administration by commercial entity	200.00	
9011	1.21(a)(1)(ii)(B)	For test administration by the USPTO	450.00	
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.00	
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.00	
9014	1.21(a)(10)	Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h)	1,600.00	

* PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the *Official Gazette of the United States Patent and Trademark Office* for current amounts.

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Fee Code	37 CFR	Description	Fee
Patent Service Fees			
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00
8003	1.19(a)(2)	Printed copy of plant patent in color	15.00
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00
8005	1.19(a)(1)	Patent Application Publication (PAP)	3.00
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed	20.00
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	200.00
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00
8010	1.19(b)(1)(i)(D)	Certification of patent-related file wrapper and (paper) contents	25.00
8011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)	55.00
8012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	15.00
8041	1.19(b)(2)(i)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order	55.00
8042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A)	15.00
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium	55.00
8013	1.19(b)(3)	Copy of office records, except copies of applications as filed	25.00
8014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	25.00
8904	1.19(c)	Library service	50.00
8015	1.19(d)	List of U.S. patents and SIRs in subclass	3.00
8016	1.19(e)	Uncertified statement re status of maintenance fee payments	10.00
8017	1.19(f)	Copy of non-U.S. document	25.00
8050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits	AT COST
8019	1.21(d)	Local delivery box rental, annually	50.00
8020	1.21(e)	International type search report	40.00
8902	1.21(g)	Self-service copy charge, per page	0.25
8021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	40.00
8022	1.21(i)	Publication in *Official Gazette*	25.00
8023	1.21(j)	Labor charges for services, per hour or fraction thereof	40.00
8024	1.21(k)	Unspecified other services, excluding labor	AT COST
8025	1.21(l)	Retaining abandoned application	130.00
8026	1.21(n)	Handling fee for incomplete or improper application	130.00
8027	1.296	Handling fee for withdrawal of SIR	130.00

GENERAL FEES

Finance Service Fees			
9201	1.21(b)(1) or 2.6(b)(13)(i)	Establish deposit account	10.00
9202	1.21(b)(2) or 2.6(b)(13)(ii)	Service charge for below minimum balance	25.00
9202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account	25.00
9101	1.21(m) or 2.6(b)(12)	Processing each payment refused or charged back	50.00
Computer Service Fees			
8031/8531		Computer records	AT COST

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Fee Code	37 CFR	Description	Fee
Trademark Processing Fees *			
6001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	325.00
7007	2.6(a)(1)(iii)	Application for registration, per international class (electronic filing, TEAS Plus)	275.00
6002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	100.00
6003/7003	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	100.00
6004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
6005/7005	2.6(a)(15)	Petitions to the Director	100.00
6006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.00
6008/7008	2.6(a)(1)(iv)	Additional fee for application that doesn't meet TEAS Plus filing requirements, per class	50.00
6201/7201	2.6(a)(5)	Application for renewal, per class	400.00
6203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.00
6204	2.6(a)(21)	Correcting a deficiency in a renewal application	100.00
6205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	100.00
6206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.00
6207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.00
6208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.00
6210	2.6(a)(7)	Publication of mark under § 12(c), per class	100.00
6211	2.6(a)(8)	Issuing new certificate of registration	100.00
6212/7212	2.6(a)(9)	Certificate of correction, registrant's error	100.00
6213	2.6(a)(10)	Filing disclaimer to registration	100.00
6214	2.6(a)(11)	Filing amendment to registration	100.00
6401/7401	2.6(a)(16)	Petition for cancellation, per class	300.00
6402/7402	2.6(a)(17)	Notice of opposition, per class	300.00
6403/7403	2.6(a)(18)	Ex parte appeal, per class	100.00
Trademark Madrid Protocol Fees *			
6901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.00
6902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.00
6903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
6904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.00
6905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.00
6906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
6907/7907	7.6(a)(7)	Transmitting a subsequent designation	100.00
Trademark Service Fees			
8501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
8503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.00
8504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.00
8507	2.6(b)(2)	Certified copy of trademark application as filed	15.00
8508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
8513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.00
8514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.00
8902	2.6(b)(9)	Self-service copy charge, per page	0.25
8521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40.00
8522	2.6(b)(6)	For second and subsequent marks in the same document	25.00
8523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40.00
8524	2.6(b)(11)	Unspecified other services, excluding labor	AT COST
Fastener Quality Act Fees			
6991	2.7(a)	Recordal application fee	20.00
6992	2.7(b)	Renewal application fee	20.00
6993	2.7(c)	Late fee for renewal application	20.00

* The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at *www.uspto.gov/teas/*. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
60/963,577	08/06/2007	A. M. El-Tawil	

CONFIRMATION NO. 6987

Mr. A. M. El-Tawil
C13 Nuffield House (QEH)
Edgbaston
Birmingham, B15 2TH
UNITED KINGDOM

FORMALITIES LETTER

Date Mailed: 08/21/2007

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 statutory basic filing fee is missing.
  Applicant must submit $ **100** *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 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 notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$125** for a small entity

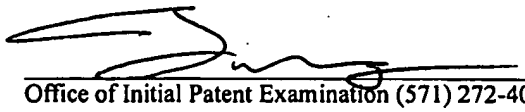
- **$100** Statutory basic filing fee.
- **$25** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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.



Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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

LEFEVOUR LAW GROUP, LLC
4365 LAWN AVE
SUITE 5
WESTERN SPRINGS, IL 60558

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APR 15 2008

OFFICE OF PETITIONS

In re Application of :
Terry A. Homer, et al. :
Application No. 60/963,631 : DECISION ON PETITION
Filed: August 6, 2007 : TO WITHDRAW
Attorney Docket No. 070-018PRO : 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 17, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Lefevour Law Group, LLC has been revoked by the assignee of the patent application on January 3, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: BEV COOPER
NORDSON CORPORATION
MAIL STATION 18
28601 CLEMENS ROAD
WESTLAKE, OH 44145

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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DEC 0 4 2008

OFFICE OF PETITIONS

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of :
McKinzie, et al. :
Application No. 60/964,324 : ON PETITION
Filed: August 9, 2007 :
Attorney Docket No. PA4380PRV :

This is a decision on the paper titled "REQUEST FOR CORRECTED FILING RECEIPT", filed September 14, 2007, which is being treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed via Express Mail mailing label No. EV 826336661 US on August 9, 2007, not August 8, 2007, the date accorded to the application by the PTO. Petitioner has supplied a copy of the Express Mail mailing label, bearing an illegible "date-in" entry.

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.

Here, the Express Mail mailing label supplied by petitioner bears corroborating evidence from the USPS in the form of the USPS stamp, dated August 9, 2007.

Accordingly, it is concluded that the application was filed (i.e. deposited with the USPS as Express Mail) on August 9, 2007.

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

The application file is being forwarded to the Office of Patent Application Processing for further processing with a filing date of **August 9, 2007, not August 8, 2007.**

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

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

Michael Best & Friedrich LLP
Casimir F. Laske
Suite 3300
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Clouse, et al. :
Application No. 60/964,577 : DECISION ON PETITION
Filed: August 13, 2007 :
Attorney Docket No. 018367-4022-00

This is a decision on the petition under 37 CFR 1.10(c) filed December 12, 2007, requesting that the above-cited application be accorded a filing date of August 13, 2007, rather than the presently accorded filing date of August 14, 2007.

The petition is **granted**.

Petitioner maintains that the application was deposited with the United States Postal Service (USPS), Express Mail Service on December 13, 2007. In support, the petition was accompanied by a copy of the "Track & Confirm" sheet from the USPS showing that EV916323431US was deposited with the USPS on August 13, 2007. 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 August 13, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is August 13, 2007.

The Office of Patent Application Processing will further process the application with a filing date of August 13, 2007, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-08

ARMSTRONG WORLD INDUSTRIES, INC.
2500 COLUMBIA AVENUE
P.O. BOX 3001
LANCASTER PA 17604-3001

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FEB 22 2008

OFFICE OF PETITIONS

In re Application of :
Waters et al. :
Application Number: 60/964675 : DECISION ON PETITION
Filing Date: 08/14/2007 :
Attorney Docket Number: 0709 :

This is a decision on in reference to the "PETITION UNDER 37 CFR 1.53(e)" filed on October 31, 2007, which is treated as a petition requesting that the above-identified provisional application be accorded a filing date of August 14, 2007.

The petition is **granted.**

The instant provisional application papers as filed consisted of 33 sheets of drawings also containing text.

On August 27, 2007, however, the Office of Patent Application Processing sent a Notice of Incomplete Provisional Application stating that the specification was missing and that the filing date would be the date of receipt of the missing specification.

In reply, the present petition was filed on October 31, 2007.

Petitioners assert that the specification was present among the 33 sheets of figures also containing text. Specifically, petitioners assert that Sheets 1 through 22 contain a written description in that the drawings are labeled, and that Sheets 4-5, in particular, contain descriptive phrases. Petitioners assert that "the figures with labeled components set forth the best mode contemplated by the Applicant's and provide 'full, clear, concise and exact terms as to enable a person skilled in the art' of interior building spaces to make and use Applicants' invention."

Pursuant to 35 USC 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 USC 112 ¶ 1, and a drawing as prescribed by 35 USC 113. 37 CFR 1.53(c)(1) also requires the inclusion of a cover sheet pursuant to 37 CFR 1.51(c)(1), a condition clearly met herein on August 14, 2007, as was the submission of the filing

fee required by 35 USC 41. All conditions for obtaining a filing date in this provisional application were clearly met on August 14, 2007.

Under the facts of this case, this provisional application is entitled, for a filing date, to the date of receipt of the 33 sheets of drawings and text. As petitioners correctly point out, 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.

However, as petitioners indicated on the Provisional Application for Patent Cover Sheet that no pages of specification were present, the petition was necessitated by an error on the part of applicant. Accordingly, the petition fee of $400.00 is due, and will not be refunded.

The Notice of Incomplete Provisional Application mailed on August 27, 2007, was mailed in error and is vacated.

This provisional application is being forwarded to the Office of Patent Application Processing (OPAP), Customer Corrections, for further processing with a filing date of August 14, 2007.

Telephone inquiries should be directed to the undersigned at 571-272-3231. Inquiries related to OIPE processing should be directed to OPAP at 571-272-4000.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DTW Jul-08

RICHARD W. WHITE
8216 STARLAND DRIVE
EL CAJON CA 92021-1877

COPY MAILED

JUL 25 2008

In re Application of	:	
Richard W. White	:	
Application Number: 60/964882	:	ON PETITION
Filing Date: 08/16/2007	:	
For: DECORATIVE POOL UTILITY SHED PLANTER POT	:	

This is a decision in reference to the letter filed on May 23, 2008, which is treated as a petition to withdraw the holding of abandonment.

This application became abandoned on October 30, 2007, for failure to file a timely reply to the Notice to File Missing Parts of Provisional Application mailed on August 29, 2007, 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 May 9, 2008.

Petitioner, *pro se,* asserts, in pertinent part, nonreceipt of the Notice to File Missing Part of Provisional Application mailed on August 29, 2007. Petitioner further states "I have previously filed a formal complaint with the U.S. Post Office & F.B.I. regarding theft of my mail."

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Provisional Application ("Notice") mailed on August 29, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by showing that the Notice mailed on August 29, 2007, was not in fact received.

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (*e.g.*, if the practitioner has a history of not receiving Office actions).

Petitioner has not provided evidence as stated above showing that the Notice was not received. In the absence of a showing of evidence that the Notice was not received, the holding of abandonment will not be withdrawn.

With regard to petitioner's contention that his mail was stolen, petitioner would need to provide documentary evidence from the USPS confirming the alleged mail theft, and that the Notice was among the mail items believed stolen.

As such the application is properly held abandoned.

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. **This time period is not extendable.**[1]

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to 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

[1] 37 CFR 1.181(f).

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 Director 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).

A copy of the Notice to File Missing Parts of Provisional Application mailed on August 29, 2007, has been enclosed for petitioners' reference in preparing the required reply.

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

The address on the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. A change of correspondence address should be filed if the correspondence address needs to be updated.

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 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

Cf: Notice mailed on August 29, 2007
PTO/SB/64
PTO/SB/122
Current Fee Schedule

Cc: RICK W. WHITE
SILVERCREST HOME, ROOM #9
960 GROSSMONT AVE
EL CAJON CA 92020-3733

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
60/964,882	08/16/2007	Richard W. White	

CONFIRMATION NO. 4647

Richard W. White
8216 Starland Drive
El Cajon, CA 92021-1877

FORMALITIES LETTER

Date Mailed: 08/29/2007

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 statutory basic filing fee is insufficient.
  Applicant must submit $ **15** *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).*

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 $50 for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a non-small entity

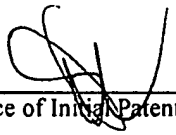
- **$15** Statutory basic filing fee.
- **$50** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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.



Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199 .
PART 3 - OFFICE COPY

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.

PTO/SB/122 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
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Application

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Alexandria, VA 22313-1450

Application Number	
Filing Date	
First Named Inventor	
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Attorney Docket Number	

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I am the:

☐ Applicant/Inventor

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

☐ Attorney or agent of record. Registration Number _____.

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number_____.

Signature

Typed or Printed Name

Date	Telephone

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

☐ *Total of _____forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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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
Effective September 30, 2007 *

Any fee amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule.
The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.
For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

* The effective date for the fee amounts for PCT fee codes 1602 and 1604 is November 9, 2007.
The effective date for the fee amount for Trademark fee code 7212 is November 10, 2007.
The effective date for the fee amounts for PCT fee codes 1701, 1702, and 1710 is November 15, 2007.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Application Filing Fees				
1011/2011	1.16(a)(1)	Basic filing fee - Utility ***filed on or after December 8, 2004***	310.00	155.00
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) ***filed on or after December 8, 2004***	N/A	75.00
1001/2001	1.16(a)(2)	Basic filing fee - Utility ***filed before December 8, 2004***	810.00	405.00
1201/2201	1.16(h)	Independent claims in excess of three	210.00	105.00
1202/2202	1.16(i)	Claims in excess of 20	50.00	25.00
1203/2203	1.16(j)	Multiple dependent claim	370.00	185.00
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00	65.00
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	260.00	130.00
1012/2012	1.16(b)(1)	Basic filing fee - Design ***filed on or after December 8, 2004***	210.00	105.00
1002/2002	1.16(b)(2)	Basic filing fee - Design ***filed before December 8, 2004***	360.00	180.00
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) ***filed on or after December 8, 2004***	210.00	105.00
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) ***filed before December 8, 2004***	360.00	180.00
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	260.00	130.00
1013/2013	1.16(c)(1)	Basic filing fee - Plant ***filed on or after December 8, 2004***	210.00	105.00
1003/2003	1.16(c)(2)	Basic filing fee - Plant ***filed before December 8, 2004***	570.00	285.00
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	260.00	130.00
1014/2014	1.16(e)(1)	Basic filing fee - Reissue ***filed on or after December 8, 2004***	310.00	155.00
1004/2004	1.16(e)(2)	Basic filing fee - Reissue ***filed before December 8, 2004***	810.00	405.00
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) ***filed on or after December 8, 2004***	310.00	155.00
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) ***filed before December 8, 2004***	810.00	405.00
1204/2204	1.16(h)	Reissue independent claims in excess of three	210.00	105.00
1205/2205	1.16(i)	Reissue claims in excess of 20	50.00	25.00
1084/2084	1.16(s)	Reissue Application Size Fee – for each additional 50 sheets	260.00	130.00
1005/2005	1.16(d)	Provisional application filing fee	210.00	105.00
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	260.00	130.00
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00	25.00
1053	1.17(i)	Non-English specification	130.00	
Patent Search Fees				
1111/2111	1.16(k)	Utility Search Fee	510.00	255.00
1112/2112	1.16(l)	Design Search Fee	100.00	50.00
1113/2113	1.16(m)	Plant Search Fee	310.00	155.00
1114/2114	1.16(n)	Reissue Search Fee	510.00	255.00
Patent Examination Fees				
1311/2311	1.16(o)	Utility Examination Fee	210.00	105.00
1312/2312	1.16(p)	Design Examination Fee	130.00	65.00
1313/2313	1.16(q)	Plant Examination Fee	160.00	80.00
1314/2314	1.16(r)	Reissue Examination Fee	620.00	310.00
Patent Post-Allowance Fees				
1501/2501	1.18(a)	Utility issue fee	1,440.00	720.00
1502/2502	1.18(b)	Design issue fee	820.00	410.00
1503/2503	1.18(c)	Plant issue fee	1,130.00	565.00
1511/2511	1.18(a)	Reissue issue fee	1,440.00	720.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	
1505	1.18(d)	Publication fee for republication	300.00	

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

† The 4000 series fee code may be used via EFS-Web at *www.uspto.gov/ebc/efs/.*

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Maintenance Fees				
1551/2551	1.20(e)	Due at 3.5 years	930.00	465.00
1552/2552	1.20(f)	Due at 7.5 years	2,360.00	1,180.00
1553/2553	1.20(g)	Due at 11.5 years	3,910.00	1,955.00
	1.20(h)	Surcharge - Late payment within 6 months	130.00	65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable	700.00	
1558	1.20(i)(2)	Surcharge after expiration - Late payment is unintentional	1,640.00	
Miscellaneous Patent Fees				
1801/2801	1.17(e)	Request for Continued Examination (RCE) (see 37 CFR 1.114)	810.00	405.00
1808	1.17(i)	Processing fee, except in provisional applications	130.00	
1803	1.17(i)	Request for voluntary publication or republication	130.00	
1802	1.17(k)	Request for expedited examination of a design application	900.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action	920.00*	
1805	1.17(o)	Request for publication of SIR - After examiner's action	1,840.00*	
1806	1.17(p)	Submission of an Information Disclosure Statement	180.00	
1807	1.17(q)	Processing fee for provisional applications	50.00	
1809/2809	1.17(r)	Filing a submission after final rejection (see 37 CFR 1.129(a))	810.00	405.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b))	810.00	405.00
Post Issuance Fees				
1811	1.20(a)	Certificate of correction	100.00	
1812	1.20(c)(1)	Request for ex parte reexamination	2,520.00	
1813	1.20(c)(2)	Request for inter partes reexamination	8,800.00	
1821/2821	1.20(c)(3)	Reexamination independent claims in excess of three	210.00	105.00
1822/2822	1.20(c)(4)	Reexamination claims in excess of 20	50.00	25.00
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00
Patent Extensions of Time Fees				
1251/2251	1.17(a)(1)	Extension for response within first month	120.00	60.00
1252/2252	1.17(a)(2)	Extension for response within second month	460.00	230.00
1253/2253	1.17(a)(3)	Extension for response within third month	1,050.00	525.00
1254/2254	1.17(a)(4)	Extension for response within fourth month	1,640.00	820.00
1255/2255	1.17(a)(5)	Extension for response within fifth month	2,230.00	1,115.00
Patent Appeals/Interference Fees				
1401/2401	41.20(b)(1)	Notice of appeal	510.00	255.00
1402/2402	41.20(b)(2)	Filing a brief in support of an appeal	510.00	255.00
1403/2403	41.20(b)(3)	Request for oral hearing	1,030.00	515.00
Patent Petition Fees				
1462	1.17(f)	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400.00	
1463	1.17(g)	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200.00	
1464	1.17(h)	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	130.00	
1451	1.17(j)	Petition to institute a public use proceeding	1,510.00	
1452/2452	1.17(l)	Petition to revive unavoidably abandoned application	510.00	255.00
1453/2453	1.17(m)	Petition to revive unintentionally abandoned application	1,540.00	770.00
1454	1.17(t)	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,410.00	
1455	1.18(e)	Filing an application for patent term adjustment	200.00	
1456	1.18(f)	Request for reinstatement of reduced term	400.00	
1457	1.20(j)(1)	Extension of term patent	1,120.00	
1458	1.20(j)(2)	Initial application for interim extension (see 37 CFR 1.790)	420.00	
1459	1.20(j)(3)	Subsequent application for interim extension (see 37 CFR 1.790)	220.00	

* Reduced by basic filing fee paid.

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Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
PCT Fees - National Stage				
1631/2631	1.492(a)	Basic National Stage Fee	310.00	155.00
1641/2641	1.492(b)(2)	National Stage Search Fee - U.S. was the ISA	100.00	50.00
1642/2642	1.492(b)(3)	National Stage Search Fee - search report prepared and provided to USPTO	410.00	205.00
1632/2632	1.492(b)(4)	National Stage Search Fee - all other situations	510.00	255.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	210.00	105.00
1614/2614	1.492(d)	Claims - extra independent (over three)	210.00	105.00
1615/2615	1.492(e)	Claims - extra total (over 20)	50.00	25.00
1616/2616	1.492(f)	Claims - multiple dependent	370.00	185.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	260.00	130.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.00	65.00
1618	1.492(i)	English translation after 30 months from priority date	130.00	
PCT Fees - International Stage				
1601	1.445(a)(1)	Transmittal fee	300.00	
1602	1.445(a)(2)	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	1,800.00	
1604	1.445(a)(3)	Supplemental search fee when required, per additional invention	1,800.00	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.00	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.00	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.00	
1619		Late payment fee	VARIABLE	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.00	
PCT Fees to Foreign Offices *				
1701		International filing fee (first thirty pages) - PCT Easy	1,080.00	
1702		International filing fee - (first thirty pages)	1,163.00	
1703		Supplemental international filing fee (for each page over thirty)	12.00	
1704		International search (EPO)	2,197.00	
1705		Handling fee	155.00	
1706		Handling fee – 75% reduction, if applicant(s) meets criteria specified at: *www.wipo.int/pct/en/fees/fee_reduction.pdf*	38.75	
1708		International CD applications	4,800.00	
1709		International search (KIPO)	232.00	
1710		International filing fee (first 30 pages) – filed electronically w/ PCT Easy file	997.00	
Patent Enrollment Fees				
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.00	
9003	1.21(a)(2)	Registration to practice or grant limited recognition under §11.9(b) or (c)	100.00	
9004	1.21(a)(3)	Reinstatement to practice	40.00	
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.00	
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.00	
9010	1.21(a)(1)(ii)(A)	For test administration by commercial entity	200.00	
9011	1.21(a)(1)(ii)(B)	For test administration by the USPTO	450.00	
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.00	
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.00	
9014	1.21(a)(10)	Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h)	1,600.00	

* PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the *Official Gazette of the United States Patent and Trademark Office* for current amounts.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Patent Service Fees			
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00
8003	1.19(a)(2)	Printed copy of plant patent in color	15.00
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00
8005	1.19(a)(1)	Patent Application Publication (PAP)	3.00
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed	20.00
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	200.00
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00
8010	1.19(b)(1)(i)(D)	Certification of patent-related file wrapper and (paper) contents	25.00
8011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)	55.00
8012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	15.00
8041	1.19(b)(2)(i)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order	55.00
8042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A)	15.00
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium	55.00
8013	1.19(b)(3)	Copy of office records, except copies of applications as filed	25.00
8014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	25.00
8904	1.19(c)	Library service	50.00
8015	1.19(d)	List of U.S. patents and SIRs in subclass	3.00
8016	1.19(e)	Uncertified statement re status of maintenance fee payments	10.00
8017	1.19(f)	Copy of non-U.S. document	25.00
8050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits	AT COST
8019	1.21(d)	Local delivery box rental, annually	50.00
8020	1.21(e)	International type search report	40.00
8902	1.21(g)	Self-service copy charge, per page	0.25
8021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	40.00
8022	1.21(i)	Publication in *Official Gazette*	25.00
8023	1.21(j)	Labor charges for services, per hour or fraction thereof	40.00
8024	1.21(k)	Unspecified other services, excluding labor	AT COST
8025	1.21(l)	Retaining abandoned application	130.00
8026	1.21(n)	Handling fee for incomplete or improper application	130.00
8027	1.296	Handling fee for withdrawal of SIR	130.00

GENERAL FEES

Finance Service Fees			
9201	1.21(b)(1) or 2.6(b)(13)(i)	Establish deposit account	10.00
9202	1.21(b)(2) or 2.6(b)(13)(ii)	Service charge for below minimum balance	25.00
9202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account	25.00
9101	1.21(m) or 2.6(b)(12)	Processing each payment refused or charged back	50.00
Computer Service Fees			
8031/8531		Computer records	AT COST

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Trademark Processing Fees *			
6001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	325.00
7007	2.6(a)(1)(iii)	Application for registration, per international class (electronic filing, TEAS Plus)	275.00
6002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	100.00
6003/7003	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	100.00
6004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
6005/7005	2.6(a)(15)	Petitions to the Director	100.00
6006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.00
6008/7008	2.6(a)(1)(iv)	Additional fee for application that doesn't meet TEAS Plus filing requirements, per class	50.00
6201/7201	2.6(a)(5)	Application for renewal, per class	400.00
6203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.00
6204	2.6(a)(21)	Correcting a deficiency in a renewal application	100.00
6205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	100.00
6206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.00
6207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.00
6208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.00
6210	2.6(a)(7)	Publication of mark under § 12(c), per class	100.00
6211	2.6(a)(8)	Issuing new certificate of registration	100.00
6212/7212	2.6(a)(9)	Certificate of correction, registrant's error	100.00
6213	2.6(a)(10)	Filing disclaimer to registration	100.00
6214	2.6(a)(11)	Filing amendment to registration	100.00
6401/7401	2.6(a)(16)	Petition for cancellation, per class	300.00
6402/7402	2.6(a)(17)	Notice of opposition, per class	300.00
6403/7403	2.6(a)(18)	Ex parte appeal, per class	100.00
Trademark Madrid Protocol Fees *			
6901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.00
6902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.00
6903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
6904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.00
6905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.00
6906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
6907/7907	7.6(a)(7)	Transmitting a subsequent designation	100.00
Trademark Service Fees			
8501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
8503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.00
8504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.00
8507	2.6(b)(2)	Certified copy of trademark application as filed	15.00
8508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
8513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.00
8514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.00
8902	2.6(b)(9)	Self-service copy charge, per page	0.25
8521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40.00
8522	2.6(b)(6)	For second and subsequent marks in the same document	25.00
8523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40.00
8524	2.6(b)(11)	Unspecified other services, excluding labor	AT COST
Fastener Quality Act Fees			
6991	2.7(a)	Recordal application fee	20.00
6992	2.7(b)	Renewal application fee	20.00
6993	2.7(c)	Late fee for renewal application	20.00

* The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at *www.uspto.gov/teas/*. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

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

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

Paper No.

FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of :
Matt Schron et al. :
Application No. 60/965,376 : DECISION ON PETITION
Filed: August 20, 2007 :
Attorney Docket No.: :
JIEE 2 00022 P :
Title: PULL TO RELEASE, PUSH TO :
INSTALL CONNECTOR

This is a decision on the petition filed October 29, 2007, requesting that the above-identified application be accorded a filing date of August 20, 2007, as part of the original disclosure.

The application was deposited on August 20, 2007. However, on August 31, 2007, 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 a specification.

In response, on October 29, 2007, applicants filed the present petition along with the petition fee. Petitioner essentially alleges that the drawings that were provided on filing are sufficient to provide written description support for the invention.

Petitioner's arguments have been considered, and they have been deemed to be persuasive. As such, this petition is **GRANTED**.

However, 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. Applicants 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 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." See 35 U.S.C. § 119(e).

The notice mailed August 31, 2007 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.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- processing the application with a filing date of August 20, 2007, and;
- issuance of a filing receipt.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael Best & Friedrich, LLP
Casimir F. Laska
Suite 3300
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108

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JAN 2 2 2008

OFFICE OF PETITIONS

In re Application of :
James R. Nommensen, et. al. :
Application No. 60/965,389 : DECISION GRANTING
Filed: August 20, 2007 : PETITION
Attorney Docket No. 018367-4041-00 :

This is a decision on the petition filed on December 12, 2007, requesting that the above-identified application be accorded a filing date of August 20, 2007, rather than the presently accorded date of August 21, 2007.

Petitioner alleges that the application was deposited in Express Mail Service on August 20, 2007. In support, the petition is accompanied by a copy of the Pickup Service Statement for Express Mail, Global Express Guaranteed, Priority Mail or Parcel Post, which was signed and dated by an USPS employee on August 20, 2007. Further, petitioner provided a copy of the USPS Track and Confirm search results, which shows that the package in question was processed on August 20, 2007 at 6:29 pm at Milwaukee, WI 53203 Post Office. It is noted that the Application Transmittal Letter contains the same Express Mail label number.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label (MPEP 513). However, while petitioner promptly filed the instant petition and provided the Office with evidence that shows the Express Mail number was listed on the Application Transmittal Letter prior to mailing of the correspondence, a true copy of the Express Mail mailing Label was not provided. Therefore, petitioner must rely on "other official USPS notation", such as, the Pickup Service Statement for Express Mail, Global Express Guaranteed, Priority Mail or Parcel Post and the USPS Track and Confirm records, which corroborates petitioner's statement of deposit on August 20, 2007.

In view of the above, the evidence is convincing that the application was in the hands of a USPS employee on August 20, 2007; therefore, 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 August 20, 2007, and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3226. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

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

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AUG 2 6 2008

In re Application of :
Polis, et al. :
Application No. 60/965,442 : DECISION
Filed/Deposited: 20 August, 2007 :
Attorney Docket No. Concom-P5-07 :

This is a decision on the improvidently filed on 16 November, 2007, and properly considered under 37 C.F.R. §1.53.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 20 August, 2007.

On 19 September, 2007, the Office of Patent Application Processing (OPAP) (formerly, the Office of Initial Patent Examination (OIPE)) mailed a Notice to File Missing Parts, and included therein a Notice of Omitted Items, to wit: FIGS. 5 and 6 described in the specification, and indicated therein that the application had been accorded a filing date, however, without the omitted items.

Thus, the application was accorded a filing date, but without FIGS. 5 and 6 described in the specification.

OIPE indicated that Petitioner might:

- contend via petition (with support, *inter alia*, of a date-stamped receipt card (see: MPEP §503) that the omitted items (FIGS. 5 and 6 described in the specification) was present on deposit, and provide a copy of the drawing; or

- submit the omitted drawing(s) and accept the date of submission as the filing date; or

- accept the application as deposited.

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

On 16 November, 2007, Petitioner submitted one (1) sheet of drawings (averred to be FIGS. 5 and 6 described in the specification) and a date-stamped ("082007") receipt card that indicates that "19 sheets of drawings" were submitted.

ANALYSIS

A search of the official file reveals that:

- on 20 August, 2007, Petitioner deposited the instant application;

- the Office record reflects that the application was deposited without drawing FIGS. 5 and 6 described in the specification, and thus, the application had been accorded a filing date without that those drawings/figures.

As indicated above, Petitioner avers that 19 sheets of drawings were deposited, and this appears to be supported by Petitioner's date-stamped ("082007") receipt card that indicates that "19 sheets of drawings" were received by the Office.

In fact, a review of the record demonstrates that the record contained on deposit on 20 August, 2007, 19 sheets of drawings containing (in the sequence of the unnumbered sheets) the following figures:

> FIGS. 1 and 2, FIGS. 3 and 4, FIG. 7, FIG. 8, FIG. 9, FIG. 10, FIG. 11, FIG. 12, FIG. 13, FIG. 14, FIG. 15, FIG. 16, FIG. 17, FIG. 18, FIG. 19, FIG. 20, FIG. 21, FIG. 22., and FIG. 23.

The Office does not doubt that Petitioner intended to submit drawing FIGS. 5 and 6 described in the specification, however, to have done so would have required, it appears, that Petitioner actually deposited 20 sheets of drawings—a condition that is in conflict not only with the record of the Office, but also with Petitioner's own evidence as of this writing.

Thus, Petitioner's arguments have been considered, but are not persuasive over Petitioner's own evidence and the showing of the record.

CONCLUSION

The petition is **dismissed**; the error was not Office error, and the fee is not waived. The application is released to the Office of Patent Application Processing (OPAP) for such processing as is required for a filing date of 20 August, 2007, without FIGS. 5 and 6, and so consistent with this decision, in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETER K. TRZYNA, ESQ.
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JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Polis, et al. :
Application No. 60/965,442 : DECISION
Filed/Deposited: 20 August, 2007 :
Attorney Docket No. Concom-P5-07 :

This is a decision on the improvidently filed on 26 March, 2009, and properly considered under 37 C.F.R. §1.53.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 20 August, 2007.

On 19 September, 2007, the Office of Patent Application Processing (OPAP) (formerly, the Office of Initial Patent Examination (OIPE)) mailed a Notice to File Missing Parts, and included therein a Notice of Omitted Items, to wit: FIGS. 5 and 6 described in the specification, and indicated therein that the application had been accorded a filing date, however, without the omitted items.

The application was accorded a filing date, but without FIGS. 5 and 6 described in the specification.

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of a date-stamped receipt card (see: MPEP §503) that the omitted items (FIGS. 5 and 6 described in the specification) was present on deposit, and provide a copy of the drawing; or file a new provisional application; or accept the application as deposited.

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

On 16 November, 2007, Petitioner submitted one (1) sheet of drawings (averred to be FIGS. 5 and 6 described in the specification) and a date-stamped ("082007") receipt card that indicates

that "19 sheets of drawings" were submitted. Upon review, it was found that Petitioner's receipt card was in conflict with Petitioner's apparent intent, to wit:

- on 20 August, 2007, Petitioner deposited the instant application;

- the Office record reflected that the application was deposited without drawing FIGS. 5 and 6 described in the specification, and thus, the application had been accorded a filing date without that those drawings/figures;

- Petitioner averred that 19 sheets of drawings were deposited, and this appeared to be supported by Petitioner's date-stamped ("082007") receipt card that indicates that "19 sheets of drawings" were received by the Office. However, a review of the record demonstrates that the record contained on deposit on 20 August, 2007, 19 sheets of drawings containing (in the sequence of the unnumbered sheets) the following figures: FIGS. 1 and 2, FIGS. 3 and 4, FIG. 7, FIG. 8, FIG. 9, FIG. 10, FIG. 11, FIG. 12, FIG. 13, FIG. 14, FIG. 15, FIG. 16, FIG. 17, FIG. 18, FIG. 19, FIG. 20, FIG. 21, FIG. 22., and FIG. 23;

- the Office did not doubt that Petitioner intended to submit drawing FIGS. 5 and 6 described in the specification, however, to have done so would have required, it appears, that Petitioner actually deposited 20 sheets of drawings—a condition that is in conflict not only with the record of the Office, but also with Petitioner's own evidence as of this writing. Thus, Petitioner's arguments were considered, but were not persuasive over Petitioner's own evidence and the showing of the record—the petition was dismissed on 26 August, 2008.

The application went expired by operation of law after midnight 20 August, 2008.

On 26 March, 2009, some seven (7) months later, Petitioner filed a petition under the provisions of 37 C.F.R. §1.53, and then sought to claim priority in this provisional application.

This, clearly, Petitioner may not do.

ANALYSIS

The clear and express language of 37 C.F.R. §1.53(c)(4) provides in pertinent part

***

> (4) A provisional application is not entitled to the right of priority under 35 U.S.C. §119 or §365(a) or §1.55, or to the benefit of an earlier filing date under 35 U.S.C. §120, §121 or §365(c) or §1.78 of any other application. (Emphasis added.)

***

That language is consistent with and based upon the explicit statutory provision at 35 U.S.C. §11(b)(7), to wit:

***

> (7) NO RIGHT OF PRIORITY OR BENEFIT OF EARLIEST FILING DATE.—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. (Emphasis added.)

***

Thus, notwithstanding Petitioner's insertion of the priority claim in the specification, that claim was and is of no moment.

CONCLUSION

The petition is **dismissed**; the error was not Office error, and the fee is not waived and was charged as authorized by Petitioner. The application is released to the Office of Patent Application Processing (OPAP) for such processing as is required for a filing date of 20 August, 2007, without FIGS. 5 and 6, and so consistent with this decision, in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Jennifer Wineberger
7226 Viar Street
San Diego CA 92120

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OCT 29 2008

OFFICE OF PETITIONS

In re Application of :
Jennifer WINEBERGER :
Application No. 60/965,469 : DECISION ON PETITION
Filed: August 20, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. WEI.001.PR : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 25, 2008, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

Despite the indication of there being a supporting Declaration attached to the instant petition, the instant petition does not include such Declaration or any other evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course.

It is noted, however, that the above identified application is a provisional application filed under 37 CFR 1.111(b) and provisional applications are not examined and expire or shall be regarded as abandoned 12 months after the filing date of such application, i.e. in the instant application, the application was regarded as abandoned or expired on August 21, 2008, and shall not be subject to revival after such 12-month period. Petitions to make special under 37 CFR 1.102(c) (1) are intended for use only in examinable applications. Therefore, such a petition in the instant application is unnecessary.

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 K. Reichle at 571-272-6051.

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

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/965,534	08/20/2007	Les Okrasa	

CONFIRMATION NO. 6566

Cosmic Descent, LLC.
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 04/06/2010

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 **06/30/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/965,536	08/20/2007	Les Okrasa	

CONFIRMATION NO. 6557

Cosmic Descent, LLC.
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 04/05/2010

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 **08/20/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-08

COPY MAILED

MAY 13 2008

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
Hu et al.	:	
Application Number: 60/965772	:	DECISION GRANTING PETITION
Filed: 08/21/2007	:	
Attorney Docket Number: 11134-143-888	:	

This is a decision in reference to the "PETITION TO CORRECT FILING DATE UNDER 37 C.F.R. § 1.10(c)" filed on March 19, 2008, which is treated as a petition filed under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of August, 21, 2007, rather than the currently-accorded filing date of August 22, 2007.

The petition is **granted**.

Petitioner asserts that the application was deposited in Express Mail Service on August 21, 2007. In support, petitioner has provided a copy of Express Mail Customer Label No. EM093420705US (the same Express Mail number found on the itemized Cover Sheet for Provisional Application for Patent accompanying the original application papers located in the official file). The "date in" as shown on the Express Mail label is "08/21/07".

As such, the showing of record is that the correct date of deposit in Express Mail is August 21, 2007.

In view of the above, the petition is granted.

No fee is due with the subject petition.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to August 21, 2007, 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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/966,003	08/23/2007	Les Okrasa	

CONFIRMATION NO. 1062

Cosmic Descent, LLC
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 05/06/2010

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 **08/20/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/966,004	08/23/2007	Les Okrasa	

CONFIRMATION NO. 1073

Cosmic Descent, LLC
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 04/05/2010

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 **08/20/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/966,007	08/23/2007	Les Okrasa	

CONFIRMATION NO. 1086

Cosmic Descent, LLC.
29 Belmont Ave
Enfield, CT 06087

Date Mailed: 05/06/2010

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 **08/20/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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

Paper No.

EDGE 3 TECHNOLOGIES LLC
10912 E. PALM RIDGE DRIVE
SCOTTSDALE AZ 85255

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
El Dokor et al. : ON PETITION
Application No. 60/966,056 :
Filed: August 27, 2007 :
Title: MULTI-PLAYER VISION- :
BASED AEROBIC GAMING CONTROLS :

This is in response to the "Petition to Withdraw Holding of Abandonment" filed July 2, 2008.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. 1.181." No extensions of time are permitted under 37 C.F.R. § 1.136(a)."

Alternatively, applicant may file a petition to revive pursuant to 37 C.F.R. 1.137.

Application papers in the above-identified provisional application were filed on August 27, 2007. This provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed September 18, 2007. The Notice set a two-month time limit for applicant to submit a replacement compact disc and duplicate copy of replacement compact disc, the required transmittal letter for the compact disc, and an amendment to add information that is on the compact disc to the paper portion of the specification. No response was filed and no extension of time obtained. Accordingly, the above-identified application became

abandoned on November 19, 2007. A Notice of Abandonment was mailed on June 3, 2008.

On July 2, 2008, applicant filed the instant petition. Applicant states that for reasons unknown, I missed the letter in 2007 and was not aware of this issue. Further, applicant states that he searched his home office for any sign of the original letter and was not able to locate it. In addition, applicant states that he has put new rules in place in his home office, where no mail is to be disposed of if it is addressed to the company.

A review of the application file reveals no irregularities in the mailing of the Notice mailed September 18, 2007. Thus, there is a strong presumption that the correspondence was properly mailed to applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a

> date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing of nonreceipt is not sufficient. Applicant does not describe the system used for recording an Office action received at the correspondence address of record. Applicant does not supply docket or other records to support such a conclusion. In fact, applicant's statements do not support a conclusion that a reliable system existed for receiving and tracking mail from the USPTO.

If applicant cannot provide persuasive evidence of non-receipt of the Notice, applicant may submit a petition to revive pursuant to § 1.137. 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.

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

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

DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
SUITE 702
UNIONDALE, NY 11553

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APR 25 2008

OFFICE OF PETITIONS

In re Application of Stowell et al. :
Application No. 60/966,409 : Decision on Petition
Filing Date: August 28, 2007 :
Attorney Docket No. 1321-187 :

This is a decision on the petition filed October 25, 2007, requesting that the above-identified provisional application be accorded a filing date of August 28, 2007.

The petition is **granted**.

Background:

The application was filed August 28, 2007.

The specification filed on August 28, 2007, described drawings, but no drawings were filed on August 28, 2007.

On September 19, 2007, a Notice was mailed stating the application was filed without drawings. The Notice stated a filing date had not been accorded and the filing date would be the date of receipt of drawings.

Discussion:

A review of the record indicates the application should have been accorded a filing date of August 28, 2007.

It is the practice of the PTO to consider drawings unnecessary for a filing date when a provisional application contains at least some disclosure directed to a composition. Specifically, MPEP 601.01(f) states:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

> 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 composition. Therefore, the application will be accorded a filing date of August 28, 2007.

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 September 17, 2007, was mailed in error and is hereby withdrawn.

The application will be accorded the August 28, 2007 filing date without drawings as requested in the petition.

The Office has scheduled a refund of the $400 petition fee.

The Office of Patent Application Processing will be informed of the instant decision and will further process the application with a filing date of August 28, 2007, using the application papers filed on August 28, 2007.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

MAILED

SEP 10 2007

TECHNOLOGY CENTER 2100

Fetherstonehaugh-Smart & Biggar
1000 De La Gauchetiere West
Suite 3300
Montreal QC H3B 4W5 CA Canada

In re Application of)
Randy Kuang)
Application No.: 11/241140) DECISION
Filed: September 30, 2005) ON
For: Any Point to Any Point (AP2AP Quantum) PETITION
Key Distribution Protocol for Optical)
Ring Network)

This is a decision on the petition for conversion to a provisional application under 37 CFR 1.53(c)(2).

The petition filed on August 31, 2006 requests conversion to a provisional application under 37 CFR 1.53(c)(2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q) and 1.16(k). It was also filed within the time frames as set forth in 37 CFR 1.53(c)(2)(I)(A)-(D).

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

Tod Swann, WQAS
Technology Center 2100

Copied from 11241140 on 09/12/2007

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.
11/241,140	09/30/2005	Randy Kuang	85773-516

CONFIRMATION NO.

28291
FETHERSTONHAUGH - SMART & BIGGAR
1000 DE LA GAUCHETIERE WEST
SUITE 3300
MONTREAL, QC H3B 4W5
CANADA

Date Mailed: 09/12/2007

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 **08/31/2006,** 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 **60/966,522.** 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

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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/241,140	09/30/2005	Randy Kuang	85773-516

CONFIRMATION NO.

28291
FETHERSTONHAUGH - SMART & BIGGAR
1000 DE LA GAUCHETIERE WEST
SUITE 3300
MONTREAL, QC H3B 4W5
CANADA

Date Mailed: 09/12/2007

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 **08/31/2006,** 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 **60/966,522.** 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

PART 2 - OFFICE COPY

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

FEB 22 2007

LAWRENCE LIVERMORE NATIONAL LABORATORY
P.O. BOX 808, L-703
LIVERMORE CA 94551

In re Application of	:
Mary T. McBride et al	:
Serial No.: 11/335,977	: CONVERSION TO PROVISIONAL
Filed: January 20, 2006	:
Attorney Docket No.: IL-11577	:

This is in response to applicants' request, filed January 17, 2007, 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 11335977 on 09/12/2007

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.
11/335,977	01/20/2006	Mary T. McBride	IL-11577

CONFIRMATION NO.

Lawrence Livermore National Laboratory
P.O. Box 808, L-703
Livermore, CA 94551

Date Mailed: 09/12/2007

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 **01/17/2007,** 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 **60/966,523.** 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

PART 2 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/335,977	01/20/2006	Mary T. McBride	IL-11577

CONFIRMATION NO.

Lawrence Livermore National Laboratory
P.O. Box 808, L-703
Livermore, CA 94551

Date Mailed: 09/12/2007

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 **01/17/2007,** 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 **60/966,523.** 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

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

8-15-07

In re application of
Richard G. Fellows et al
Serial No. 11/350,263
Filed: February 7, 2006
For: SYSTEM AND METHOD OF OPERATION OF A FUEL CELL SYSTEM AND OF CEASING THE SAME FOR INHIBITING CORROSION

DECISION ON PETITION

This is a decision on the REQUEST FOR CONVERSION OF NON-PROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed January 17, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11350263 on 09/12/2007

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/350,263	02/07/2006	Richard G. Fellows	130109.611

CONFIRMATION NO.

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

Date Mailed: 09/12/2007

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 **01/17/2007,** 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 **60/966,524.** 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/350,263	02/07/2006	Richard G. Fellows	130109.611

CONFIRMATION NO.

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

Date Mailed: 09/12/2007

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 **01/17/2007,** 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 **60/966,524.** 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

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United States Patent and Trademark Office
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CST

8-30-07

In re application of :
Bruce Lin :
Serial No. 11/467,307 : DECISION
Filed: August 25, 2006 : ON PETITION
For: APPARATUS AND METHOD FOR :
MANAGING A FLOW OF COOLING MEDIA :
IN A FUEL CELL STACK :

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed August 9, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11467307 on 09/12/2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/467,307	08/25/2006	Bruce Lin	130109.635

CONFIRMATION NO.

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

Date Mailed: 09/12/2007

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 **08/09/2007,** 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 **60/966,525.** 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/467,307	08/25/2006	Bruce Lin	130109.635

CONFIRMATION NO.

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

Date Mailed: 09/12/2007

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 **08/09/2007,** 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 **60/966,525.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPRETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/625,039	01/19/2007		ASGR:165US

CONFIRMATION NO.

46795
FULBRIGHT & JAWORSKI, L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78701

Date Mailed: 09/18/2007

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 **08/29/2007,** 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 **60/966,526.** 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/625,039	01/19/2007		ASGR:165US

CONFIRMATION NO.

46795
FULBRIGHT & JAWORSKI, L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78701

Date Mailed: 09/18/2007

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 **08/29/2007,** 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 **60/966,526.** 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/697,734	04/08/2007	JEERI R. REDDY	

CONFIRMATION NO.

69291
JEERI R. REDDY
6912 NORTH 97TH CIRCLE
SUITE C
OMAHA, NE 68122

Date Mailed: 09/18/2007

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 **05/23/2007,** 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 **60/966,527.** 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

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CLOCK TOWER LAW GROUP
2 CLOCK TOWER PLACE, SUITE 255
MAYNARD, MA 01754-2545

COPY MAILED

MAY 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Krishnamurthy et al.	:	
Application No. 11/736885	:	
Filing or 371(c) Date: 04/18/2007	:	
Attorney Docket Number:	:	DECISION
07.0362	:	ON PETITION

This is a decision on the "Petition", filed May 10, 2007, requesting the above-identified application be accorded a filing date of April 18, 2007.

The petition is granted.

The application was filed on April 18, 2007. On May 7, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that the application contains method claims for which drawings are not required.

A review of the file reveals that the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

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

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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).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed May 7, 2007, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of April 18, 2007, and an indication that no drawings were present or required on filing.

The petition fee has been refunded to Applicant's deposit account as authorized in the petition.

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

Derek L. Woods
Attorney
Office of Petitions

Copied from 11736885 on 09/20/2007

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/736,885	04/18/2007	Venkat Krishnamurthy	07.0362

CONFIRMATION NO.

30948
CLOCK TOWER LAW GROUP
2 CLOCK TOWER PLACE, SUITE 255
MAYNARD, MA 01754-2545

Date Mailed: 09/18/2007

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 **05/04/2007,** 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 **60/966,528.** 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/736,885	04/18/2007	Venkat Krishnamurthy	07.0362

CONFIRMATION NO.

30948
CLOCK TOWER LAW GROUP
2 CLOCK TOWER PLACE, SUITE 255
MAYNARD, MA 01754-2545

Date Mailed: 09/18/2007

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 **05/04/2007,** 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 **60/966,528.** 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/532,526	09/16/2006	Alfredo Flores Galvez	9 SoyL.4

CONFIRMATION NO.

71731
KATHRYN P.WILKE
C/O GAW VAN MALE
769 HORIZON DRIVE
MARTINEZ, CA 94553

Date Mailed: 10/01/2007

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 **09/15/2007,** 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 **60/966,529.** 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/532,526	09/16/2006	Alfredo Flores Galvez	9 SoyL.4

CONFIRMATION NO.

71731
KATHRYN P.WILKE
C/O GAW VAN MALE
769 HORIZON DRIVE
MARTINEZ, CA 94553

Date Mailed: 10/01/2007

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 **09/15/2007,** 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 **60/966,529.** 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

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OCT 31 2006

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www.uspto.gov

STEVE HASSID
1115 1/2 YALE STREET
SANTA MONICA CA 90403

In re Application of
Alfredo F. Galvez
Serial No.: 11/532,526
Filed: September 16, 2006
Attorney Docket No.: LUNASIN-01

: DECISION ON PETITION TO MAKE
: SPECIAL FOR NEW APPLICATION
: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
: § 708.02

This is a decision on the petition filed on September 16, 2006, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Missing Parts or a Notice of Incomplete Application is evidence that the application was not complete and in condition for examination at

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the time of filing. In addition to the above, the application contains a sequence in the drawings and was not accompanied by a CRF Sequence disk or equivalent submission and a proper Sequence listing as part of the specification. Defects in the AESD submitted are that a detailed explanation of how each claim is patentable over the references is lacking (see 37 CFR 1.111(b) and (c)), nor is there a statement regarding any potentially disqualified art. Further, the search is incomplete in that it lacks a sequence search since the sequences are integral to the peptide and a reference disclosing the sequence would render the claims unpatentable. The search also refers to class 935/51, 53, 66 and 77 which no longer exist and does not include a search of class 930 (Peptide or Protein Sequences), appropriate subclasses, which would appear to be required. The National Center of Biotechnology Information database should have been searched also, and possibly other NPL databases.

For the above-stated reasons, the petition is DENIED. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 5000

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PATENT APPLICATION

11532526

PATENT APPLICATION

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KATHRYN P.WILKE
C/O GAW VAN MALE
769 HORIZON DRIVE
MARTINEZ CA 94553

In re Application of	:
Alfredo F Galvez	:
Serial No.: 11/532526	: CONVERSION TO PROVISIONAL
Filed: September 16, 2006	:
Attorney Docket No.: 9 SoyL 4	:

This is in response to applicants' request, filed September 15, 2007, 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 PATENT AND TRADEMARK OFFICE

Pet. Dec.

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

Mailed: 6/14/05

Paper No.
WAK

In re Application of
Scott R. Warren
Serial No. 10/700,372
Filed: November 3, 2003
For: SYSTEMS AND METHODS FOR DETECTING TARGET FOCUS AND TILT ERRORS DURING GENETIC ANALYSIS

DECISION
ON
PETITION

This is a decision on the Petition under 37 CFR 1.53(c)(2), filed October 5, 2004, 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 November 3, 2003.

The petition is **GRANTED**

JMStone

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

James Chang
Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

Copied from 10700372 on 10/02/2007

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/700,372	11/03/2003	Scott R. Warren	ABIOS.030A

CONFIRMATION NO.

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

Date Mailed: 10/02/2007

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 **10/05/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/966,530.** 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

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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/700,372	11/03/2003	Scott R. Warren	ABIOS.030A

CONFIRMATION NO.

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

Date Mailed: 10/02/2007

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 **10/05/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/966,530.** 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

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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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/550,434	10/18/2006	Scott A. Burton	62595US002

CONFIRMATION NO. 8666

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC00000026470341

Date Mailed: 10/26/2007

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 **10/04/2007,** 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 **60/966,531.** 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

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

OCT - 9 2007

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:
Scott A. BUrton et al	:
Serial No.: 11/550,434	: CONVERSION TO PROVISIONAL
Filed: October 18 18, 2006	:
Attorney Docket No.: 62595US002	:

This is in response to applicants' request, filed October 4, 2007, 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 11550434 on 10/31/2007

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
11/703,008	02/06/2007	Gerassimos Makrigiorgos	044436-0117

CONFIRMATION NO. 5810

CONVERSION REQUEST

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

OC000000026502439

Date Mailed: 10/29/2007

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 **09/13/2007,** 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 **60/966,532.** 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

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/703,008	02/06/2007	Gerassimos Makrigiorgos	044436-0117

CONFIRMATION NO. 5810

CONVERSION REQUEST

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

OC000000026502439

Date Mailed: 10/29/2007

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 **09/13/2007,** 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 **60/966,532.** 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

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
11/696,401	04/04/2007	Zhiliang Wan	

CONFIRMATION NO. 4380

CONVERSION REQUEST

Yunlong Wang
47667 Gridley Court
Fremont, CA 94539

OC000000026286659

Date Mailed: 10/29/2007

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 **08/17/2007,** 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 **60/966,533.** 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

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

CST

In re application of	:	
Zhiliang Wan et al	:	
Serial No. 11/696,401	:	DECISION
Filed: April 4, 2007	:	ON PETITION
For: MICROMACHINED ELECTROWETTING MICROFLUIDIC VALVE	:	

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed August 15, 2007 (Certificate of Mailing).

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11696401 on 10/29/2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/696,401	04/04/2007	Zhiliang Wan	

CONFIRMATION NO. 4380

CONVERSION REQUEST

Yunlong Wang
47667 Gridley Court
Fremont, CA 94539

OC000000026286659

Date Mailed: 10/29/2007

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 **08/17/2007,** 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 **60/966,533.** 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

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/836,675	08/09/2007	Nicolae Moldoveanu	594-25633-US

CONFIRMATION NO. 3629

CONVERSION REQUEST

Jeffrey E. Griffin
WesternGeco, L.L.C.
10001 Richmond Avenue
Houston, TX 77042

Date Mailed: 10/29/2007

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 **08/31/2007,** 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 **60/966,534.** 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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/427,321	06/28/2006	Michael M. Lerner	

CONFIRMATION NO. 2261

CONVERSION REQUEST

62112
ANDREW TIPTON
320 NW UPTOWN TERRACE
UNIT 1A
PORTLAND, OR 97210

OC000000026503708

Date Mailed: 10/29/2007

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 **08/09/2006,** 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 **60/966,535.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPRETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/427,321	06/28/2006	Michael M. Lerner	

CONFIRMATION NO. 2261

62112
ANDREW TIPTON
320 NW UPTOWN TERRACE
UNIT 1A
PORTLAND, OR 97210

CONVERSION REQUEST

OC000000026503708

Date Mailed: 10/29/2007

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 **08/09/2006,** 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 **60/966,535.** 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

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
11/561,199	11/17/2006	Steve J. Tinius	0106315.0527518

CONFIRMATION NO. 7068

CONVERSION REQUEST

26874
FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

OC00000026537944

Date Mailed: 11/01/2007

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 **02/08/2007,** 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 **60/966,536.** 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

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
11/561,199	11/17/2006	Steve J. Tinius	0106315.0527518

CONFIRMATION NO. 7068

CONVERSION REQUEST

26874
FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

Date Mailed: 11/01/2007

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 **02/08/2007,** 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 **60/966,536.** 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

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
11/641,319	12/18/2006	John Hughes	27696/41344C

CONFIRMATION NO. 9643

4743
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

CONVERSION REQUEST

Date Mailed: 10/31/2007

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 **10/02/2007,** 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 **60/966,537.** 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

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

OCT - 9 2007

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

In re Application of	:
John Hughes et al	:
Serial No.: 11/641,319	: CONVERSION TO PROVISIONAL
Filed: December 18, 2006	:
Attorney Docket No.: 27696/41344C	:

This is in response to applicants' request, filed October 2, 2007, 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 11641319 on 10/31/2007

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
11/641,319	12/18/2006	John Hughes	27696/41344C

CONFIRMATION NO. 9643

CONVERSION REQUEST

4743
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

Date Mailed: 10/31/2007

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 **10/02/2007,** 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 **60/966,537.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/641,639	12/18/2006	John Hughes	27696/41344B

CONFIRMATION NO. 8479

4743
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

CONVERSION REQUEST

Date Mailed: 10/31/2007

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 **10/02/2007,** 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 **60/966,538.** 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

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

OCT -9 2007

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

In re Application of	:
John Hughes et al	:
Serial No.: 11/641,639	: CONVERSION TO PROVISIONAL
Filed: December 18, 2006	:
Attorney Docket No.: 27696/41344B	:

This is in response to applicants' request, filed October 2, 2007, 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 11641639 on 10/31/2007

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/641,639	12/18/2006	John Hughes	27696/41344B

CONFIRMATION NO. 8479

CONVERSION REQUEST

4743
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

Date Mailed: 10/31/2007

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 **10/02/2007,** 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 **60/966,538.** 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

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
11/686,482	03/15/2007	Raymond Bergeron JR.	T2315-11335US01

CONFIRMATION NO. 6462

181
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

CONVERSION REQUEST

OC00000026538782

Date Mailed: 11/01/2007

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 **05/11/2007,** 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 **60/966,539.** 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

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
11/686,482	03/15/2007	Raymond Bergeron JR.	T2315-11335US01

CONFIRMATION NO. 6462

181
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

CONVERSION REQUEST

Date Mailed: 11/01/2007

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 **05/11/2007,** 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 **60/966,539.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/713,471	03/02/2007	Christopher C. Rutter	114063-150

CONFIRMATION NO. 8397

43793
EVEREST INTELLECTUAL PROPERTY LAW GROUP
P. O. BOX 708
NORTHBROOK, IL 60065

CONVERSION REQUEST

OC000000026539180

Date Mailed: 10/31/2007

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 **09/24/2007,** 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 **60/966,540.** 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

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
11/713,471	03/02/2007	Christopher C. Rutter	114063-150

CONFIRMATION NO. 8397

43793
EVEREST INTELLECTUAL PROPERTY LAW GROUP
P. O. BOX 708
NORTHBROOK, IL 60065

CONVERSION REQUEST

OC000000026539180

Date Mailed: 10/31/2007

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 **09/24/2007,** 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 **60/966,540.** 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

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
11/733,144	04/09/2007	Robert Barry	ILL09-097-US

CONFIRMATION NO. 7649

43320
EVAN LAW GROUP LLC
600 WEST JACKSON BLVD., SUITE 625
CHICAGO, IL 60661

CONVERSION REQUEST

OC000000026540113

Date Mailed: 10/31/2007

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 **09/24/2007,** 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 **60/966,541.** 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

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
11/733,144	04/09/2007	Robert Barry	ILL09-097-US

CONFIRMATION NO. 7649

CONVERSION REQUEST

43320
EVAN LAW GROUP LLC
600 WEST JACKSON BLVD., SUITE 625
CHICAGO, IL 60661

OC000000026540113

Date Mailed: 10/31/2007

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 **09/24/2007,** 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 **60/966,541.** 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

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
11/625,027	01/19/2007	Joseph R. Byrum	ASGR:162US

CONFIRMATION NO. 7724

46795
FULBRIGHT & JAWORSKI, L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78701

CONVERSION REQUEST

Date Mailed: 11/07/2007

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 **08/13/2007,** 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 **60/966,542.** 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

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
11/625,027	01/19/2007	Joseph R. Byrum	ASGR:162US

CONFIRMATION NO. 7724

CONVERSION REQUEST

46795
FULBRIGHT & JAWORSKI, L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78701

OC000000026626003

Date Mailed: 11/07/2007

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 **08/13/2007,** 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 **60/966,542.** 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

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/741,931	04/30/2007	William Gene Bliss	BP6148

CONFIRMATION NO. 3957

CONVERSION REQUEST

51472
GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

OC000000026626544

Date Mailed: 11/07/2007

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 **10/22/2007,** 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 **60/966,543.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/741,931	04/30/2007	William Gene Bliss	BP6148

CONFIRMATION NO. 3957

51472
GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

CONVERSION REQUEST

Date Mailed: 11/07/2007

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 **10/22/2007,** 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 **60/966,543.** 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

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
11/709,571	02/21/2007	Abdelali Hannoufa	267342000100

CONFIRMATION NO. 3485

CONVERSION REQUEST

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

OC000000026712008

Date Mailed: 11/13/2007

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 **10/26/2007,** 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 **60/966,544.** 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

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
11/709,571	02/21/2007	Abdelali Hannoufa	267342000100

CONFIRMATION NO. 3485

CONVERSION REQUEST

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

OC000000026712008

Date Mailed: 11/13/2007

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 **10/26/2007,** 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 **60/966,544.** 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

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
11/762,711	06/13/2007	J. Michael Goodson	CRUL-2800 Non-prov

CONFIRMATION NO. 2277

CONVERSION REQUEST

Stephen M. Everett, Esq.
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
Suite 1700
55 Second Street
San Francisco, CA 94105

OC000000026712416

Date Mailed: 11/13/2007

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 **08/29/2007,** 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 **60/966,545.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/762,711	06/13/2007	J. Michael Goodson	CRUL-2800 Non-prov

CONFIRMATION NO. 2277

CONVERSION REQUEST

Stephen M. Everett, Esq.
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
Suite 1700
55 Second Street
San Francisco, CA 94105

Date Mailed: 11/13/2007

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 **08/29/2007**, 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 **60/966,545.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/762,756	06/13/2007	Douglas William Heath	SEMS:019US

CONFIRMATION NO. 2360

73905
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
SOUTH WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606

CONVERSION REQUEST

OC000000026712775

Date Mailed: 11/13/2007

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 **08/27/2007,** 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 **60/966,546.** 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

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
11/762,756	06/13/2007	Douglas William Heath	SEMS:019US

CONFIRMATION NO. 2360

CONVERSION REQUEST

73905
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
SOUTH WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606

OC000000026712775

Date Mailed: 11/13/2007

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 **08/27/2007**, 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 **60/966,546.** 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

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
11/779,260	07/17/2007	Baixiong Kuang	156886-0087A

CONFIRMATION NO. 1879

29000
IRELL & MANELLA LLP
1800 AVENUE OF THE STARS
SUITE 900
LOS ANGELES, CA 90067

CONVERSION REQUEST

Date Mailed: 11/13/2007

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 **09/05/2007,** 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 **60/966,547.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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
11/779,260	07/17/2007	Baixiong Kuang	156886-0087A

CONFIRMATION NO. 1879

CONVERSION REQUEST

29000
IRELL & MANELLA LLP
1800 AVENUE OF THE STARS
SUITE 900
LOS ANGELES, CA 90067

Date Mailed: 11/13/2007

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 **09/05/2007**, 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 **60/966,547.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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
11/809,737	05/31/2007	Joerg Rockenberger	IDR0812

CONFIRMATION NO. 9861

CONVERSION REQUEST

36872
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

Date Mailed: 11/13/2007

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 **07/23/2007,** 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 **60/966,548.** 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

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
11/809,737	05/31/2007	Joerg Rockenberger	IDR0812

CONFIRMATION NO. 9861

CONVERSION REQUEST

36872
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

OC000000026713531

Date Mailed: 11/13/2007

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 **07/23/2007,** 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 **60/966,548.** 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

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
11/823,829	06/28/2007	Clarence Chui	BOUNP001

CONFIRMATION NO. 9705

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

CONVERSION REQUEST

OC000000026714004

Date Mailed: 11/13/2007

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 **10/04/2007,** 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 **60/966,549.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/824,386	06/29/2007	Nemours Peter Holec	

CONFIRMATION NO. 3720

CONVERSION REQUEST

Nemours P. Holec
1741 W. Dublin Court
Chandler, AZ 85224

Date Mailed: 11/13/2007

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 **09/22/2007,** 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 **60/966,550.** 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

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
11/824,386	06/29/2007	Nemours Peter Holec	

CONFIRMATION NO. 3720

Nemours P. Holec
1741 W. Dublin Court
Chandler, AZ 85224

CONVERSION REQUEST

Date Mailed: 11/13/2007

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 **09/22/2007,** 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 **60/966,550.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/835,765	08/08/2007	Adam David Wain	REEV003

CONFIRMATION NO. 2039

21322
MARK A OATHOUT
3701 KIRBY DRIVE, SUITE 960
HOUSTON, TX 77098

CONVERSION REQUEST

Date Mailed: 11/13/2007

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 **09/11/2007,** 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 **60/966,551.** 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

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
11/835,765	08/08/2007	Adam David Wain	REEV003

CONFIRMATION NO. 2039

21322
MARK A OATHOUT
3701 KIRBY DRIVE, SUITE 960
HOUSTON, TX 77098

CONVERSION REQUEST

Date Mailed: 11/13/2007

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 **09/11/2007,** 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 **60/966,551.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
11/844,342	10/22/2007	Nicola Anthony Maiorana	

CONFIRMATION NO. 6663

47780
THE HARRINGTON PRACTICE PLLC
1905 J.N. PEASE PLACE,
SUITE 202
CHARLOTTE, NC 28262

CONVERSION REQUEST

OC000000026728059

Date Mailed: 11/14/2007

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 **10/22/2007,** 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 **60/966,552.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/844,342	10/22/2007	Nicola Anthony Maiorana	

CONFIRMATION NO. 6663

47780
THE HARRINGTON PRACTICE PLLC
1905 J.N. PEASE PLACE,
SUITE 202
CHARLOTTE, NC 28262

CONVERSION REQUEST

OC000000026728059

Date Mailed: 11/14/2007

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 **10/22/2007,** 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 **60/966,552.** 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

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
11/859,558	09/21/2007	Walter Luh	07844-905001 / P799

CONFIRMATION NO. 4913

21876
FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

CONVERSION REQUEST

OC000000026728554

Date Mailed: 11/14/2007

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 **10/29/2007,** 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 **60/966,553.** 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

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
11/859,558	09/21/2007	Walter Luh	07844-905001 / P799

CONFIRMATION NO. 4913

21876
FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

CONVERSION REQUEST

Date Mailed: 11/14/2007

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 **10/29/2007,** 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 **60/966,553.** 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

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
11/881,401	07/25/2007	Daniel J. Abrams	627772000100

CONFIRMATION NO. 1669

CONVERSION REQUEST

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

Date Mailed: 11/14/2007

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 **10/22/2007,** 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 **60/966,554.** 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

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
11/881,401	07/25/2007	Daniel J. Abrams	627772000100

CONFIRMATION NO. 1669

CONVERSION REQUEST

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

Date Mailed: 11/14/2007

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 **10/22/2007,** 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 **60/966,554.** 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

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
11/741,989	04/30/2007	William Bliss	BP5589

CONFIRMATION NO. 4050

51472
GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

CONVERSION REQUEST

OC000000026730660

Date Mailed: 11/14/2007

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 **11/06/2007,** 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 **60/966,555.** 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

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
11/741,989	04/30/2007	William Bliss	BP5589

CONFIRMATION NO. 4050

CONVERSION REQUEST

51472
GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

OC000000026730660

Date Mailed: 11/14/2007

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 **11/06/2007,** 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 **60/966,555.** 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

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
11/790,500	04/26/2007	Roberto Rosso	L80003861US

CONFIRMATION NO. 9984

CONVERSION REQUEST

AIR MAIL
49580
PHILIP SWAIN, PHD
C/O GOWLING LAFLEUR HENDERSON
1 PLACE VILLE MARIE,
37TH FLOOR
MONTREAL, QC H3B 3P4
CANADA

Date Mailed: 12/17/2007

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 **10/24/2007,** 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 **60/966,556.** 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

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
11/752,460	05/23/2007	John Hughes	27696/41344A

CONFIRMATION NO. 3793

CONVERSION REQUEST

4743
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

Date Mailed: 12/17/2007

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 **09/27/2007,** 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 **60/966,557.** 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

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

OCT 15 2007

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

In re Application of :
John Hughes et al :
Serial No.: 11/752,460 : CONVERSION TO PROVISIONAL
Filed: May 23, 2007 :
Attorney Docket No.: 27696/41344A :

This is in response to applicants' request, filed September27, 2007, 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 11752460 on 12/17/2007

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
11/803,364	05/14/2007	Kishor Purushottam Gadkaree	SP07-083

CONFIRMATION NO. 5269

22928
CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

CONVERSION REQUEST

OC000000027325395

Date Mailed: 12/17/2007

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 **10/17/2007,** 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 **60/966,558.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/803,364	05/14/2007	Kishor Purushottam Gadkaree	SP07-083	5269

22928 7590 11/01/2007

CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

EXAMINER	
ART UNIT	PAPER NUMBER
1754	

MAIL DATE	DELIVERY MODE
11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Copied from 11803364 on 12/17/2007

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

CST

11-1-07

In re application of :
Kishor Purushottam Gadkaree et al :
Serial No. 11/803,364 : DECISION
Filed: May 14, 2007 : ON PETITION
For: SORBENT COMPRISING ACTIVATED :
CARBON, PROCESS FOR MAKING :
SAME AND USE THEREOF :

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed October 17, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11803364 on 12/17/2007

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
11/770,996	06/29/2007	YIFAN ZHANG	63308US002

CONFIRMATION NO. 7247

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000027326505

Date Mailed: 12/18/2007

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 **10/25/2007,** 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 **60/966,559.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 20 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	
Yifan Zhang et al	:	
Serial No.: 11/770,996	:	CONVERSION TO PROVISIONAL
Filed: June 29, 2007	:	
Attorney Docket No.: 633081US002	:	

This is in response to applicants' request, filed October 25, 2007, 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 11770996 on 12/17/2007

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/771,016	06/29/2007	Yifan Zhang	62945US002

CONFIRMATION NO. 7273

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000027326758

Date Mailed: 12/18/2007

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 **10/25/2007,** 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 **60/966,560.** 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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,366	01/22/2007	Andreas Boon	F6232(V)

CONFIRMATION NO. 8358

201
UNILEVER INTELLECTUAL PROPERTY GROUP
700 SYLVAN AVENUE,
BLDG C2 SOUTH
ENGLEWOOD CLIFFS, NJ 07632-3100

CONVERSION REQUEST

OC000000027349581

Date Mailed: 12/18/2007

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 **10/29/2007,** 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 **60/966,561.** 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

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NOV 15 2007

UNILEVER INTELLECTUAL PROPERTY GROUP
700 SYLVAN AVENUE,
BLDG C2 SOUTH
ENGLEWOOD CLIFFS NJ 07632-3100

In re Application of	:
Andreas Boon et al	:
Serial No.: 11/625,366	: CONVERSION TO PROVISIONAL
Filed: December 18, 2006	:
Attorney Docket No.: 27696/41344B	:

This is in response to applicants' request, filed October 29, 2007, 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 11625366 on 12/18/2007

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/693,017	03/29/2007	Seyed A. Angadjivand	62291US002

CONFIRMATION NO. 8564

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000027360793

Date Mailed: 12/20/2007

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 **10/29/2007,** 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 **60/966,562.** 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/693,017	03/29/2007	Seyed A. Angadjivand	62291US002	8564

32692 7590 11/02/2007

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
TOLIN, MICHAEL A	

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
11/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

Copied from 11693017 on 12/19/2007

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

CST

11-1-07

In re application of
Seyed A. Angadjivand et al
Serial No. 11/693,017
Filed: March 29, 2007
For: METHOD FOR MAKING SHAPED FILTRATION ARTICLES

DECISION ON PETITION

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed October 29, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11693017 on 12/19/2007

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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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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/966,562	03/29/2007	Seyed A. Angadjivand	62291US002

CONFIRMATION NO. 8564

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Date Mailed: 04/01/2009

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request filed January 28, 2008 to convert provisional application No. 60/966562 back to a provisional application.

The request is dismissed.

On October 29, 2007, a petition under 37 CFR 1.53(c)(2) was filed to convert nonprovisional application No. 11/693,017 to a provisional application.

On December 20, 2007, a decision was mailed granting the petition under 37 CFR 1.53(c)(2) and assigning application No. 60/966,562 to the resulting provisional application.

On January 28, 2008, the present petition was filed requesting that provisional application No. 60/966,562 be converted back to a nonprovisional application and be reassigned application No. 11/693,562. 37 CFR 1.53(c)(3) provides that "[A] provisional application filed under paragraph (c) of this section may be converted to a nonprovisional application filed under paragraph (b) of this section..." However, application No. 60/966,562 is not a "provisional application filed under paragraph (c)" of 37 CFR 1.53. Instead, application No. 60/966,562 was filed under paragraph (b) of 37 CFR 1.53 and later converted to a provisional application under § 1.53(c). Accordingly, provisional apllication No. 60/966,562 cannot be converted under 37 CFR 1.53(c)(3) to a nonprovisional 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.

JANICE L TIPPETT
Office of Initial Patent Examination

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MINNEAPOLIS MN 55440-1022

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FEB 0 9 2009

OFFICE OF PETITIONS

In re Provisional Application of :
Brown, et al. :
Application No. 60/967,036 : DECISION ON PETITION
Filed: August 31, 2007 :
Attorney Docket No. 22552-0002P01 :

This is a decision on the "PETITION TO EXPUNGE TRADE SECRET AND/OR PROPRIETARY MATERIAL UNDER 37 C.F.R. §1.183" filed December 3, 2008, requesting under 37 CFR 1.183 suspension of the requirements of 37 CFR 1.59(a) such that a portion of the originally filed disclosure be expunged from this file.

Petitioner requests expungement of portions of the drawing figures that contains proprietary information such as "names, account numbers, and contact information, third party broker information, and the like". Petitioner states that public disclosure of this information could cause irreparable harm to Applicants.

It is found that the references to the information at issue is not important to a reasonable Examiner in deciding on patentability.

It is agreed that justice would be served by waiver in this instance.

Further, petitioners have supplied a replacement set of the applicable drawing figures. The substitute papers supplied on petition will replace the originally filed papers, and will constitute the archival records of the USPTO for this application. As the instant application is an Image File Wrapper (IFW), the petition to expunge will be effectuated by closing the record concerned to the public.

Accordingly, the petition is **GRANTED**.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

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

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JUN 30 2008

OFFICE OF PETITIONS

In re Application of :
Santos :
Application No. 60/967,118 : ON PETITION
Deposited: August 31, 2007 :
Attorney Docket No. 2007P18628US :
For: LIGHT SENSING PULL STATION

This is a decision on the petition captioned "RESPONSE TO NOTICE OF TERMINAION OF PROCEEDINGS UNDER 37 CFR 1.53(e) AND PETITION TO REVIVE UNDER 37 CFR 1.137(a) AND OR (b)," filed February 28, 2008. Petitioner alleges non-receipt of a Notice of Incomplete Provisional Application. Therefore, the petition will be treated under 37 CFR 1.181, as a petition to withdraw the termination of proceedings. In addition, the petition will be treated under 37 CFR 1.182.

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

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

Any further reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that proceedings concerning the above-identified application were terminated for failure to submit a reply to the September 17, 2007 Notice of Incomplete Provisional Application, which set a two month period for reply. No reply being received, the Office terminated proceedings on November 18, 2007. A Notice of Abandonment was mailed on December 26, 2007.

Petitioner alleges that the September 17, 2007 Notice was not received at the correspondence address of record.

The showing required to establish non-receipt of an Office communication must include:

1. 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.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

A review of the record indicates no irregularity in the mailing of the September 17, 2007 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because (1) practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has not provided adequate evidence of non-receipt. The Rule 181 petition is dismissed. No petition fee has been charged in connection with this matter.

Proceedings in the application will remain terminated until a docket report is submitted with a reconsideration petition.

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

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

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

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

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Telephone inquiries 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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SEP 25 2008

OFFICE OF PETITIONS

In re Application of :
Santos :
Application No. 60/967,118 : ON PETITION
Deposited: August 31, 2007 :
Attorney Docket No. 2007P18628US :
For: LIGHT SENSING PULL STATION

This is a decision on the reconsideration petitions under 37 CFR 1.181 and under 37 CFR 1.182, filed July 11, 2008.

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

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

The Office contends that proceedings concerning the above-identified application were terminated for failure to submit a reply to the September 17, 2007 Notice of Incomplete Provisional Application, which set a two month period for reply. No reply being received, the Office terminated proceedings on November 18, 2007. A Notice of Abandonment was mailed on December 26, 2007.

Petitioner alleges that the September 17, 2007 Notice was not received at the correspondence address of record.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner'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 satisfies the above-stated requirements. Accordingly, the petitions are granted. In view of the above, proceedings in the application are no longer terminated.

The application will be returned to the Office of Patent Application 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID R CLEARWATERS
RC ELECTRONICS
PO BOX 367
MURPHY OR 97533

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
(Unnamed) :
Application No. 60/967,542 : DECISION
Filed: 6 September, 2007 :
Attorney Docket No. (None) :

This is a decision on the papers read as a petition filed on 1 August, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

> **NOTE:** Petitioner's submission suggests a lack of familiarity with practice before the Office. (Petitioner may wish to seek the guidance of one registered to practice before the Office, which information may be found at www.uspto.gov.) While Petitioner may not be a registered practitioner, Petitioner nonetheless must comply with Rules of Practice and must be diligent in replying to actions by/from the Office.

The petition under 37 C.F.R. §1.181 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 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the

practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

Petitioners' attentions always are directed to the guidance in the Commentary set forth at MPEP §711.03(c)(I)(A) and (B)[1]—*see*: the discussion at: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c).

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[1] The guidance in the Commentary at MPEP §711.03(c) as to non-received Office actions and timely filed replies is as follows:

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 CFR 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 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). When

Petitioner has not satisfied the showing requirements set forth at in the Commentary set forth at MPEP §711.03(c)(I) as to timely filing, all as set forth in the footnote below, with copies of supporting documents, for example, a date-stamped receipt card (*see*: MPEP §503), or Office FAX receipt acknowledgment, or EFS receipt acknowledgement on or before the date on which the reply in question was due.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (fees, coversheet) mailed on 24 September, 2007, with reply due absent extension of time on or before 24 November, 2007, though Petitioner replied on 9 November, the Office mailed a Notice of Incomplete Reply (coversheet) on 20 November, 2007.

The application went abandoned by operation of law after midnight 24 November, 2007.

The Office mailed the Notice of Abandonment on 3 June, 2008.

On 1 August, 2008, Petitioner filed the instant petition, averred timely reply—and indeed Petitioner replied as to the fee but appears to have failed to satisfy the coversheet (copy enclosed) requirement of the reply.

Thus, at this writing the record is insufficient to support a grant of the instant petition—and it appears unlikely that Petitioner will be able to do so.

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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 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 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 2`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 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 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.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 CFR 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 CFR 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 CFR 1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 CFR 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment. (Emphasis supplied.)

Alternatively, Petitioner may file a petition to revive under the provisions of 37 C.F.R. §1.137(b). (Forms enclosed.)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS AND ANALYSIS

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).[3] 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 under this congressional grant of authority. 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.[4] Delays in responding properly raise the question whether delays are unavoidable.[4] 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).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

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[2] 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).

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[4] 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).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

(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.[7]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[8] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).) And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner failed to make the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unavoidable delay or unintentional delay under 37 C.F.R. §1.137(a) or (b), respectively,. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate 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 was unintentional." (The statement is in the form available online.)

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

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[8] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

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

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[9]) 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

[9] 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.

Track & Confirm

Search Results

Label/Receipt Number: **7004 2510 0007 0944 1327**
Status: **Delivered**

Your item was delivered at 11:51 am on November 09, 2007 in ALEXANDRIA, VA 22313. A proof of delivery record may be available through your local Post Office for a fee.

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60/961,542

Gillon, John

From: U.S._Postal_Service_ [U.S._Postal_Service@usps.com]
Sent: Saturday, September 27, 2008 6:26 PM
To: Gillon, John
Subject: U.S. Postal Service Track & Confirm email Restoration - 7004 2510 0007 0944 1327

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

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Delivered	ALEXANDRIA VA 22313	11/09/07 11:51am
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Arrival at Unit	ALEXANDRIA VA 22301	11/09/07 9:33am
Acceptance	MURPHY OR 97533	11/06/07 11:11am

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PTO/SB/16 (08-08)
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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. _____

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)

Additional inventors are being named on the _____ *separately numbered sheets attached hereto*

TITLE OF THE INVENTION (500 characters max):

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☐ The address corresponding to Customer Number:

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 _____

☐ Drawing(s) *Number of Sheets* _____

☐ Other (specify) _____

☐ Specification (e.g. description of the invention) *Number of Pages* _____

Fees Due: Filing Fee of $210 ($105 for small entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is $260 ($130 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

TOTAL FEE AMOUNT ($)

☐ The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to Deposit Account Number: _____.

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.

PTO/SB/16 (08-08)
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 displays a valid OMB control number.

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

☐ No.
☐ Yes, the name of the U.S. Government agency and the Government contract number are: _____

_____

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 NO. _____ *(if appropriate)*

TELEPHONE _____ Docket Number: _____

Privacy Act Statement

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

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

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

PTO/SB/64 (08-08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature

_____ Date

_____ Typed or printed name

_____ Registration Number, if applicable

_____ Address

_____ Telephone Number

_____ Address

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date

_____ Signature

_____ Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604-1619

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DEC 2 1 2007

OFFICE OF PETITIONS

In re Application of :
Carlo M. Croce :
Application No.: 60/967,663 : ON PETITION
Filed: September 6, 2007 :
Attorney Docket No. 1-29381 :

This a decision on the petition filed November 16, 2007. The petition will be treated under 37 CFR 1.182.

The petition is **dismissed.**

The application was filed on September 6, 2007. On September 21, 2007, the Initial Patent Examination Division mailed the Notice stating that the application had been accorded a filing date of September 6, 2007, but that page 20 of the specification, appeared to have been omitted. The Notice allowed a non-extendable period for reply of two months from its mailing date.

The present petition was filed on November 16, 2007, responsively. Petitioner therein argued that page 20 of the specification accompanied the original application papers. A copy of an Office date-stamped postcard where the Office acknowledged receipt of 30 pages of the specification and abstract and noted that the two pages of the specification were not received with the original disclosure accompanied the petition. Petitioner maintains that page 20 of the specification did accompany the original disclosure filed September 6, 2007.

The argument has been considered, but is not persuasive. The Patent and Trademark Office (the AOffice) file is the official record of the papers originally filed in this application. A review of the application file did not reveal a page 20 of the specification. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner asserts that page 20 of the specification was among the papers originally filed is not more persuasive than the papers shown to have been received by the official file.

The petition is dismissed.

The application is being directed to the Office of Patent Application Processing for further processing with only the papers filed on that date excluding page 20 of the specification.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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AUG 0 1 2008

OFFICE OF PETITIONS

In re Application of :
John W. Backus, et. al. :
Application No. 60/968,184 : DECISION ON PETITION
Filed: August 27, 2007 :
Attorney Docket No. CDS5066USPSP :

This is a decision on the petition under 37 CFR §§§1.181, 1.182, and 1.137(b), filed May 20, 2008, requesting withdrawal of the holding of abandonment, addressing issues not specifically provided for and in the alternative, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.182 for expedite handling filed on July 23, 2008.

The petition under 37 CFR 1.182 for expedited handling is **GRANTED**.

The petitions under 37 CFR 1.181 and 1.182 are **DISMISSED** for the reasons stated below.

Petitioner states that the "Notice to File Missing Parts was improperly issued because the required information was present in the originally filed application". Petitioner also states that the "original Provisional Cover Sheet complies with 37 CFR § 1.51(c) because the residence of each named inventor is provided in the form of a street address suitable for mailing documents" and that the "failure to include the redundant city recitation was inadvertent".

A review of the record shows that a Notice to File Missing Parts of Provisional Application (Notice) was mailed on August 31, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. Since no extension of time under the provisions of 37 CFR 1.136(a) was obtained, the application became abandoned on November 1, 2007.

If petitioner thought the Notice mailed on August 31, 2007 was issued in error, a response should have been timely submitted within two months from the mail date of the Notice, which would have tolled the period for reply and the application would not be abandoned. The record shows that petitioner failed to submit a timely response; therefore, the above application was properly held abandoned and a petition to revive and fee is necessary.

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

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

As authorized, the $50 surcharge has been charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected Provisional Application Cover Sheet and $50 surcharge; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

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

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DEC 10 2007

OFFICE OF PETITIONS

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

In re Application of :
Jenks, et al. :
Application No. 60/969,165 : ON PETITION
Filed: August 31, 2007 :
Attorney Docket No.: TI-169817P :

This is a decision on the "Petition under 37 CFR 1.181 and MPEP § 1002.02(I)" filed November 1, 2007 which is being treated as petition under 37 CFR 1.53(e).

The petition is **dismissed.**

The above-identified application was filed on August 31, 2007. The instant petition was filed on November 1, 2007, wherein petitioner argues that the application should be accorded a filing date of August 30, 2007. Petitioner states that the prior to midnight August 30, 2007, petitioner began the process of submitting the application via USPTO Electronic Filing System (EFS) but that the USPTO system froze many times during the submission. Ultimately, the petitioner was able to complete the EFS filing and the application was received and accorded a filing date of August 31, 2007. Petitioner maintains, however, that the EFS filing of the application was actually completed prior to midnight on August 30, 2007, and that the application should be accorded a filing date of August 30, 2007. In support, petitioner filed a copy of the Acknowledgement Receipt which indicates that the submission was received August 31, 2007, but also has a footer that shows a date-stamp of August 30, 2007.

The records of the USPTO of the filing of applications, EFS filings or otherwise, are presumed to be accurate absent *prima facie* evidence to the contrary. The footer at the bottom of the copy of the Acknowledgement Receipt filed with the petition is cannot be considered *prima facie* evidence that the submission was filed on August 30, 2007. The date cited in the footer is a date stored on Petitioner's computer. A web browser can be set up such that when web page is printed, whatever date is stored on that computer will be printed on the page along with the web address. This footer cannot, therefore, be considered objective evidence that the submission was received on August 30, 2007.

The undersigned also contacted the USPTO, Search and Information Resource Administration (SIRA) for assistance with this matter. After reviewing the system operations for August 30, 2007, and the records specific to the subject application, SIRA determined that there was no record of any system problems on August 30, 2007, and that the subject application was received on August 31, 2007, 1 minute and 57 seconds after midnight. There is nothing in the petition that rebuts the finding in the record that the subject application was received on August 31, 2007. The petition is dismissed, accordingly.

Questions regarding the EFS filing of the subject of application and the USPTO records of the same should be addressed to SIRA. 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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JUL 30 2008

PHILIP D FREEDMAN PC
1449 DRAKE LANE
LANCASTER PA 17601

In re Application of :
Sharp, et al. :
Application No. 60/969,232 : ON PETITION
Filed: August 31, 2007 :
Attorney Docket No. 5071889 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 10, 2008.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The application was filed on August 31, 2007, directing the Office to mail correspondence to the address associated with Customer Number 25101. At the time of filing, that address was "Philip D. Freedman PC, 317 S. Fayette St., Alexandria VA 22314-5902". On September 12, 2007, the Office mailed a Filing Receipt and a Notice to File Missing Parts to that address. The Notice set an extendable period for reply of two months. No reply having been received, the application became abandoned on

November 13, 2007. On February 6, 2008, applicant filed a Change of Correspondence Address, directing the Office to mail correspondence to "Philip D. Freedman PC, 1449 Drake Lane, Lancaster PA 17601". The Office mailed a Notice of Abandonment to that address on May 29, 2008. On June 18, 2008, Applicant filed another Change of Correspondence Address, this time requesting that the Office "change" the correspondence address to that associated with Customer Number 25101, which now was "Philip D. Freedman PC, 1449 Drake Lane, Lancaster PA 17601".

Applicant has filed the instant petition, stating that while he received the Filing Receipt mailed on September 12, 2007, he didn't receive the Notice to File Missing Parts mailed on that same day.

To establish non-receipt of an Office action, a petitioner:

> must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of a master docket record showing where the Office action would have been entered had it

---

[1] MPEP 711.03(c).

been received and docketed, nor has petitioner stated that such a record does not exist.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Notice to File Missing Parts of Provisional Application (2 pages)

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	ATTORNEY DOCKET NUMBER
60/969,232	08/31/2007	Phillip Neal Sharp	5071889-01

CONFIRMATION NO. 3743
FORMALITIES LETTER

25101
PHILIP D FREEDMAN PC
PHILIP D FREEDMAN
317 S. FAYETTE STREET
ALEXANDRIA, VA 22314-5902

Date Mailed: 09/12/2007

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.

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 $50 for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$50** for a non-small entity

- **$50** 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.

LV

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

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PHILIP D FREEDMAN PC
1449 DRAKE LANE
LANCASTER PA 17601

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SEP 26 2008

In re Application of :
Sharp, et al. :
Application No. 60/969,232 : ON PETITION
Filed: August 31, 2007 :
Attorney Docket No. 5071889 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 3, 2008.

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

The above application became abandoned for failure to file a reply to the Notice to File Missing Parts of Provisional Application mailed on September 12, 2007. The Notice set an extendable period for reply of two months for applicants to submit a provisional application cover sheet, together with a surcharge for its late filing. No reply having been received, the application became abandoned on November 13, 2007. The Office mailed a Notice of Abandonment on May 29, 2008. Applicants filed a petition to withdraw the holding of abandonment on July 10, 2008. However, the petition was dismissed in a decision mailed on July 30, 2008.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a provisional application cover sheet, and the late surcharge.

The file is being forwarded to the Office of Patent Application Processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Frank J. Effenberger et al.	:	
Application No. 60/969,313	:	DECISION ON PETITION
Filed: August 31, 2007	:	TO WITHDRAW
Attorney Docket No. 021822-006900US	:	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 November 12, 2007.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on January 14, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Conley Rose, P.C.**
5601 Granite Parkway
Suite 750
Plano, TX 75024

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
James David Talton :
Application No. 60/969,672 : DECISION ON PETITION
Filed: September 3, 2007 :
Attorney Docket No. 08100.6003-0000 :

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

The petition is **GRANTED, to the extent that a provisional application will not be regarded as pending after twelve (12) months from its filing date under any circumstances (37 CFR 1.137(g))**.

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, 2007. 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 November 14, 2007.

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 application cover sheet and the requisite $50 for the surcharge, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Brian W. Brown
Petitions Examiner
Office of Petitions

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ALIX, YALE & RISTAS, LLP
750 MAIN STREET
HARTFORD, CT 06103-272

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AUG 04 2008

OFFICE OF PETITIONS

In re Application of :
Randell L. Mills :
Application No. 60/970,062 : DECISION ON PETITION
Filed: September 5, 2007 : TO WITHDRAW
Attorney Docket No. 62226PREL3 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 17, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Alix, Yale & Ristas, LLP does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Dr. Randell L. Mills**
493 Old Trenton Road
Cranbury, NJ 08512

UNITED STATES PATENT AND TRADEMARK OFFICE

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Casimir Jones, S.C.
440 Science Drive
Suite 203
Madison WI 53711

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OFFICE OF PETITIONS

In re Application of	:	
Anand Swaroop	:	
Application No. 60/970089	:	
Filing or 371(c) Date: 09/05/2007	:	
Attorney Docket Number:	:	DECISION
UM-30132	:	ON PETITION

This is a decision on the "Petition 37 CFR § 1.53(c)", filed October 18, 2007, requesting the above-identified application be accorded a filing date of September 5, 2007.

The petition is granted.

The application was filed on September 5, 2007. On September 17, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and avers that "drawings are not necessary for an understanding of the subject matter sought to be patented." Petition .

The application complies with the patent statute and regulations based upon applicant's assertion that the figures are not necessary for an understanding of the invention. Based upon Applicant's assertion, a filing date may be accorded the application papers deposited on September 5, 2007.

In view of the above, the Notice mailed September 17, 2007, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of September 5, 2007, using the application papers filed on that date, and an indication that no drawings were present or required on filing.

A refund of the petition fee has been credited to Applicant's deposit account.

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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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON MA 02108

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SEP 2 4 2008

In re Application of :
Alan Sliski :
Application No. 60/970,288 : DECISION ON PETITION
Filed: September 6, 2007 :
Attorney Docket No. 29344 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed September 21, 2007. 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 November 22, 2007.

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.

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 Application Cover Sheet with the $25 surcharge, (2) the petition fee of $770, and (3) an adequate statement of unintentional delay.

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

The Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address filed August 1, 2008 has been accepted and made of record. A Notice of Acceptance is enclosed with this decision.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

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./TITLE
60/970,288	09/06/2007	Alan P. Sliski	04

CONFIRMATION NO. 8151

29344
MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

POA ACCEPTANCE LETTER

OC000000032185544

Date Mailed: 09/19/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/01/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dwilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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JULIE BLACKBURN
REVLON CONSUMER PRODUCTS CORPORATION
237 PARK AVENUE
NEW YORK NY 10017

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JUL 18 2008

In re Application of	:	
Butcher, et al.	:	
Application No.: 60/970,468	:	ON PETITION
Filed: September 6, 2007	:	
Attorney Docket No. REV.07.06	:	

This is in response to the petition under 37 CFR 1.137(b) filed June 10, 2008.

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

A "Notice to File Missing Parts of Provisional Application" (the "Notice") was mailed by the Office on September 19, 2007, 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 November 20, 2007. A Notice of Abandonment was mailed on June 3, 2008.

The provisional coversheet and surcharge filed June 10, 2008, is noted.

The terminal disclaimer filed June 10, 2008, is noted, but is not necessary to revive a provisional application. See 37 CFR 1.137(d).

This application is being directed to the Office of Patent Application Processing for further review.

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Eugene De Juan, Jr., et al. :
Application No. 60/970,820 : DECISION ON PETITION
Filed: September 7, 2007 : TO WITHDRAW
Attorney Docket No. 026322-001800US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 13, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on March 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG & WOESSNER, PA
PO BOX
MINNEAPOLIS, MN 55402

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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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Eugene De Juan, Jr., et al. :
Application No. 60/970,840 : DECISION ON PETITION
Filed: September 7, 2007 : TO WITHDRAW
Attorney Docket No. 026322-001900US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 13, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on March 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG & WOESSNER, PA
PO BOX
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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KLARQUIST SPARKMAN, LLP
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SUITE 1600
PORTLAND OR 97204

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
Fish et al. :
Application No. 60/970,915 : DECISION ON PETITION
Filed: September 7, 2007 :
Attorney Docket No. 7458-79617-01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 2008, 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 September 25, 2007. 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 November 26, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a coversheet and $25 surcharge, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

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). 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 Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

Petitioner is reminded 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) 272-3215.

This application is being referred to the Office of Patent Application Processing for Pre-exam processing.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Brian Kinnear
555 17th Street, Suite 3200
Denver, CO 80202-3979

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SEATTLE WA 98111-1208

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OFFICE OF PETITIONS

In re Application of :
Skakkeback :
Application No. 60/970,918 : ON PETITION
Filed: September 7, 2007 :
Attorney Docket No. 66435-8001.US00 :
For: IAZUR PROJECT

This decision addresses the correspondence entitled, "Petition to Contest Notice of Incomplete Reply (Non-Provisional)", filed April 24, 2008, which will be treated under 37 CFR 1.181, as a petition to withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned for failure to respond in a proper manner to the Notice to File Missing Parts of Provisional Application, mailed September 25, 2007, which set forth an extendable two (2) month period to submit a provisional application cover sheet or ADS, the $100.00 basic filing fee, and a $25.00 surcharge. On October 24, 2007, applicant filed an ADS, the $105.00 basic filing fee, and a $25.00 surcharge. On March 26, 2008, applicant filed a Rule 48(d) petition. On April 14, 2008, the Office mailed a Notice of Incomplete Reply, which referenced the March 26, 2008 correspondence to the Office and stated that applicant failed to file a cover sheet or an ADS. Because the period for reply was not reset, the application became abandoned after the expiration of the period set in the September 25, 2007 Notice – November 26, 2007.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that a proper reply to the September 25, 2007 Notice was timely filed. The undersigned concurs with petitioner's assertion. On October 24, 2007, applicant submitted an ADS, the basic filing fee, and a surcharge for its late filing. This reply satisfied the requirements set in the September 25, 2007 Notice.

Months later, on March 26, 2008, petitioner filed a petition under 37 CFR 1.48(d) to amend the inventorship of the application. The filing of the Rule 48(d) petition is a separate matter from the filing of a response to the September 25, 2007 Notice.

37 CFR 1.48(d) provides:

> (d) *Provisional application-adding omitted inventors.* If the name or names of an inventor or inventors were omitted in a provisional application through error without any deceptive intention on the part of the omitted inventor or inventors, the provisional application may be amended to add the name or names of the omitted inventor or inventors. Amendment of the inventorship requires:
>
> (1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the inventor or inventors being added and states that the inventorship error occurred without deceptive intention on the part of the omitted inventor or inventors; and
>
> (2) The processing fee set forth in § 1.17(q).

Petitioner filed a request to correct the inventorship, a statement from the inventor being added as to the lack of deceptive intent on his part in failing to be listed as an inventor, and the $130.00 processing fee on March 26, 2008. Thus, petitioner filed a proper Rule 48(d) petition on March 26, 2008, which will be addressed by the Office of Patent Application Processing in due course. Note there is no express requirement for an ADS in Rule 48(d). Therefore, even if the Rule 48(d) petition were viewed as a supplement to the October 24, 2007 reply to the September 25, 2007 Notice, it would not obligate petitioner to file another cover sheet or supplemental ADS. However, to clarify the record, petitioner should file a supplemental ADS.

The petition under 37 CFR 1.181 is **granted** and the holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to the Office of Patent Application Processing for consideration of the Rule 48(d) petition, filed on March 26, 2008.

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

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

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MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Provisional Application of :
Brown, et al. :
Application No. 60/970,932 : DECISION ON PETITION
Filed: September 7, 2007 :
Attorney Docket No. 22552-0002P02 :

This is a decision on the "PETITION TO EXPUNGE TRADE SECRET AND/OR PROPRIETARY MATERIAL UNDER 37 C.F.R. §1.183" filed December 3, 2008, requesting under 37 CFR 1.183 suspension of the requirements of 37 CFR 1.59(a) such that a portion of the originally filed disclosure be expunged from this file.

Petitioner requests expungement of portions of the drawing figures that contains proprietary information such as "names, account numbers, and contact information, third party broker information, and the like". Petitioner states that public disclosure of this information could cause irreparable harm to Applicants.

It is found that the references to the information at issue is not important to a reasonable Examiner in deciding on patentability.

It is agreed that justice would be served by waiver in this instance.

Further, petitioners have supplied a replacement set of the applicable drawing figures. The substitute papers supplied on petition will replace the originally filed papers, and will constitute the archival records of the USPTO for this application. As the instant application is an Image File Wrapper (IFW), the petition to expunge will be effectuated by closing the record concerned to the public.

Accordingly, the petition is **GRANTED**.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
60/971,154	09/10/2007	Gonul VELICELEBI	34510-703.101	1958

7590 10/18/2007

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

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☒ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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14TH FLOOR
ALBANY NY 12207

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OFFICE OF PETITIONS

In re Application of :
Lavedan, et al :
Filed: September 10, 2007 : ON PETITION
Application No. 60/971,227 :
Dkt. No.: VAND-0056-PV :

This is a decision on the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION AND PETITION UNDER 37 CFR 1.53(e)," filed November 20, 2007 to accord the above-identified application a filing date of November 20, 2007.

The petition is **GRANTED**.

The application was submitted September 10, 2007 without drawings. The Notice of Incomplete Provisional Application (Notice) was mailed September 21, 2007. The Notice indicated the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

Petitioners argue that drawings are not necessary for an understanding of the 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 as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence).

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

drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application includes at least one method claim. As it is USPTO practice to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary, the application, as submitted, is entitled to a filing date of September 10, 2007. Thus, the instant petition is unnecessary as the instant application is otherwise entitled to a filing date under 37 CFR 1.53(c). Accordingly, the Notice is withdrawn.

The application will be processed with only the papers present on September 10, 2007, without drawings as part of the original disclosure.

No fee is due in connection with this matter. Petitioners request a refund of this fee to petitioners' deposit account. A refund to this effect cannot be processed at this time as the petition fee was charged to a credit card. In accordance with 37 CFR 1.26(a), any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged. Accordingly, petitioners may request a refund in accordance with 37 CFR 1.26 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of September 10, 2007 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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Fulbright & Jaworski, L.L.P.
2200 Ross Avenue
Suite 2800
Dallas, TX 75201-2784

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of	:	
David Hanson	:	
Application No. 60/971,875	:	DECISION ON PETITION
Filed: September 12, 2007	:	TO WITHDRAW
Attorney Docket No. 70865/V001.0	:	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 27, 2008.

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 Robert L. Greeson on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joe Smith at the address indicated below.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **David Hanson**
1208 W. Executive Drive
Richardson, TX 75081

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/971,875	09/12/2007	David Hanson	70865/V001.0

CONFIRMATION NO. 5012

POWER OF ATTORNEY NOTICE

29053
FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

OC00000032307773

Date Mailed: 09/26/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2008.

- 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.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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& KING, PLLC
10 BROWN ROAD, SUITE 201
ITHACA NY 14850-1248

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Boyd, et al. :
Application No. 60/972,347 : DECISION
Filed/Deposited: 14 September, 2007 :
Attorney Docket No. 610P020 (2-11150-08004) :

This is a decision on the petition filed on 17 October, 2007, under 37 C.F.R. §1.53, requesting a filing date of 14 September, 2007, for drawing FIGS. 8 - 11 described in the specification.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing

The petition under 37 C.F.R. §1.53 is **DISMISSED**.

A review of the application file reveals that:

The instant application was deposited on 14 September, 2007.

On 28 September, 2007, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) mailed a Notice of Omitted Items, to wit: FIGS. 8 - 11 described in the specification. Thus, the application was accorded a filing date, but without the drawing figures in question.

OPAP indicated that Petitioner might:

- contend via petition that drawings had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawing; or

- submit the drawings and accept that date of deposit as the date of filing; or

- accept the application as filed.

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

Petitioner appears to have chosen none of the above.

On 17 October, 2007, Petitioner submitted the instant petition, but included therewith, *inter alia*, no true copies of Petitioner's date-stamped receipt card or electronic filing acknowledgement, nor true copies of drawing FIGS. 8 - 11. (The Office always directs Petitioner to submit a true copy of the date-stamped receipt card (*see*: MPEP §503); alternatively, an acknowledgment receipt is a legal equivalent of a post card receipt described in the Manual of Patent Examining Procedure (MPEP), Section 503. See, 1315 OG 57; 72 Fed. Reg. 2770 (23 Jan 2007). And the OPAP Notice instructed Petitioner to submit copies of the drawings if Petitioner averred they were present on deposit.) Petitioner averred that the drawing FIGS. 8 – 11 described in the specification were present, *inter alia*, in the appendices to the application.

Petitioner also suggests that the instant application was filed contemporaneously with another application and the content of that second application was incorporated by reference into the instant application. A claim for incorporation by reference is properly made under the provisions of 37 C.F.R. §1.57, and the rule requires compliance with the provisions of 37 C.F.R. §1.78 and/ or §1.55. Moreover, compliance with 37 C.F.R. §1.57 requires submission of an amendment, and the guidance at:

- MPEP §506 indicates that a provisional application is not entitled to priority under 37 C.F.R. §1.78 and/ or §1.55; and
- MPEP §601.01(b) indicates that amendment of a provisional application (other than to make the application comply with regulations) is not permitted.

Thus, Petitioner's arguments have been considered, however, as discussed herein the showing as of this writing is not persuasive.

ANALYSIS

A search of the official file reveals that:

- Petitioner deposited the instant application on 14 September, 2007.

- The Office record reflects that the drawing FIGS. 8 - 11 described in the specification were missing on deposit.

A review of the EFS Acknowledgement Receipt available online in the application indicates that one (1) sheet of drawing figures were submitted and received, and that the one (1) sheet of drawing figures deposited on 14 September, 2007, contains drawing FIGS. 1 and 4.

Petitioner avers that drawing FIGS. 8 – 11 correspond to other drawing figures set forth in the appendices to the application. However, the accuracy of this averment is not relevant—rather, the question presented is: Were drawings that were identified as drawing FIGS. 8 - 11 present in the content of the application deposited on 14 September, 2007? A review of the record—including the appendices—indicates that they were not. And Petitioner fails to present evidence otherwise.

Because Petitioner failed to provide a evidence of Office receipt of drawing FIGS. 8 – 11 described in the specification, it is not possible as of this writing to conclude that drawing FIGS. 8 - 11 described in the specification were present on deposit, or that drawing FIGS. 8 – 11 described in the specification were due a 14 September, 2007, filing date.

Accordingly, drawing FIGS. 8 - 11 described in the specification are not entitled to a 14 September, 2007, filing date.

As of this writing, the Notice mailed on 28 September, 2007, was properly sent and will not be disturbed.

CONCLUSION

The petition is **dismissed**; the petition fee will not be refunded because there is no indication as of this writing that the Notice of 28 September, 2007, was mailed in error.

The application is released to OPAP for further processing consistent with this decision and with a filing date for the application of 14 September, 2007, without drawing FIGS. 8 - 11 described in the specification.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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DEC 2 3 2008

OFFICE OF PETITIONS

In re Application of :
Dawn Nowlin :
Application No. 60/974,195 : DECISION ON PETITION
Filed: September 21, 2007 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 17, 2008, 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 Non-provisional Application (Notice), mailed October 3, 2007. 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 December 4, 2007.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

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.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to the Office of Patent Application Papers for pre-examination processing of the reply received September 17, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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DEC 10 2007

OFFICE OF PETITIONS

In re Application of :
Estok, et al :
Filed: September 24, 2007 : ON PETITION
Application No. 60/974,727 :
Dkt. No.: 35293-709.101 :

This is a decision on the "PETITION UNDER 37 CFR § 1.53(e)," filed November 2, 2007 to accord the above-identified application a filing date of September 24, 2007.

The petition is **DISMISSED**.

The application was submitted September 24, 2007 without drawings. The Notice of Incomplete Nonprovisional Application (Notice) was mailed October 26, 2007. The Notice indicated the application had not been accorded a filing date. The application appears to have been submitted without drawings as required per 35 USC 113.

Petitioners argue that drawings are not necessary for an understanding of the invention. Petitioners have provided a copy of one drawing sheet containing Figure 1.

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

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

drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application includes at least one method claim. As it is USPTO practice to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary, the application, as submitted, is entitled to a filing date of September 24, 2007. Thus, the instant petition is unnecessary as the instant application is otherwise entitled to a filing date under 37 CFR 1.53(c). Accordingly, the Notice is withdrawn.

The application will be processed with only the papers present on September 24, 2007, without drawings as part of the original disclosure.

No fee is due in connection with this matter. A refund of $400.00 will issue in due course.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of September 24, 2007 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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Paper No.

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In re Application of :
Roger Vanderlinden : DECISION ON PETITION
Application No. 60/974,917 :
Filed: September 25, 2007 :
Atty Docket No. 005 RV-76-US :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed June 30, 2008.

The petition is **GRANTED**.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed October 5, 2007. 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 December 6, 2007. A courtesy Notice of Abandonment was mailed on June 10, 2008.

Within one year of the abandonment, applicant filed the instant petition. Accompanying the petition was the required reply in the form of a provisional application for patent cover sheet and payment of the $25 surcharge, payment of the petition fee, and the required statement of unintentional delay. No terminal disclaimer is required.

Petitioner is reminded that 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. However, subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances. 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.

The Office of Patent Application Processing has been advised of this decision. The application is thereby forwarded for processing of the response, the provisional cover sheet, filed on petition filed June 30, 2008.

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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ROGER VANDERLINDEN
1100 BURLOAK DRIVE
SUITE 300
BURLINGTON L7L 6B2 CA CANADA

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JUL 18 2008

In re Application of	:	
Roger Vanderlinden	:	DECISION ON PETITION
Application No. 60/974,929	:	
Filed: September 25, 2007	:	
Attorney Docket No. 005 RV-77-US	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 30, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application, mailed October 3, 2007. This Notice set an extendable period for reply of two months from the mailing date of the Notice to submit a provisional application cover sheet or ADS, together with a $25 surcharge for its late filing. No repy having been received, the application became abandoned on December 4, 2007. A Notice of Abandonment was mailed on June 5, 2007.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted a provisional application cover sheet, together with the late surcharge.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Roger Vanderlinden
Application No. 60/975,029
Filed: September 25, 2007
Attorney Docket No. 005 RV-78-US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by June 30, 2008, 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 October 5, 2007. 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 June 10, 2008. On June 30, 2008, 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 a provisional application cover sheet and the $25 surcharge; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of October 5, 2007 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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
Richard Clark et al :
Application No. 60/975,040 : DECISION ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. 1056-0161PUS1 :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 14, 2007, requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (1) above. Additionally, the mere fact that "submit" was selected twice when filing the above application does not fall within the guidelines of 37 CFR 1.26.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Roger Vanderlinden :
Application No. 60/975,041 : ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. 005-RV-79-US :

This is a decision on the petition filed June 30, 2008, to revive the above identified application under 37 CFR 1.137(b).[1]

The petition is **GRANTED**.

This application became abandoned on December 6, 2007, for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed October 5, 2007, which set a two (2) month shortened statutory period for reply. Accordingly, a Notice of Abandonment was mailed June 10, 2008.

The Provisional Application Cover Sheet has been provided and thus, since all other requirements under 37 CFR 1.137(b) have been met, this matter is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

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In re Application of :
Roger Vanderlinden :
Application No. 60/975,052 : ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. 005 RV-82-US :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed October 4, 2007. 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) was obtained. Accordingly, the above-identified application became abandoned on December 5, 2007.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Roger Vanderlinden	:	
Application No. 60/975,068	:	DECISION ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed October 5, 2007. 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 December 6, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Provisional Cover Sheet and the $25.00 surcharge. (2) the petition fee of $770.00, 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 September 25, 2008, when it will become abandoned as a matter of law.

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

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

Liana Walsh
Petition Examiner
Office of Petitions

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JUL 25 2008

In re Application of	:	
Vanderlinden, Roger	:	
Application No. 60/975,079	:	ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. 005 RV-84-US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 30, 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 the Provisional Cover Sheet and $25.00 surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

A provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until September 25, 2008, when it will become abandoned as a matter of law.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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Burlington L7L 6B2 CA CANADA

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JUL 30 2008

In re Application of :
Roger Vanderlinden :
Application No. 60/975,088 : DECISION ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. 005 RV-89-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed October 3, 2007. 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 December 4, 2007.

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 Application Cover Sheet with the $25 surcharge, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Andrea Smith
Petitions Examiner
Office of Petitions

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SEP 11 2008

In re Application of	:	
Roger Vanderlinden	:	
Application No. 60/975095	:	ON PETITION
Filing or 371(c) Date: 09/25/2007	:	
Attorney Docket Number: 005 RV-91-US	:	

This is a decision on the Petition to Revive Application Under 37 C.F.R. 1.137(b), filed June 30, 2008.

The Petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Provisional Application ("Notice"), mailed October 3, 2007. The Notice set a two (2) month period for reply. No complete and proper reply having been received, the application became abandoned on December 13, 2007. A Notice of Abandonment was mailed June 5, 2008.

Applicant files the present petition and response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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PO BOX 435
JERUSALEM, ISRAEL 91003

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SEP 15 2008

In re Application of :
TOUBIA, Didier et al. :
Application No. 60/975,242 : DECISION ON PETITION
Filed: September 26, 2007 : TO WITHDRAW
Attorney Docket No. **941/10** : 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 29, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Customer No. 24101 has been revoked by the assignee of the patent application on June 09, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle L. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **HESLIN ROTHENBERG FARLEY & MESITI PC**
5 COLUMBIA CIRCLE
ALBANY NY 12203

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OFFICE OF PETITIONS

In re Application of :
VANDERLINDEN, ROGER :
Application No. 60/975,510 : DECISION ON PETITION
Filed: 09/26/2007 :
Attorney Docket No. 005 RV-96-US :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 3008, to revive the above-identified application.

The petition is **GRANTED**.

On October 9, 2007, the Office mailed a Notice to File Missing Parts of Provisional Application, which set a two-month extendable period to reply. In the absence of a timely and proper reply, the application became abandoned on December 10, 2007. A Notice of Abandonment was mailed on June 12, 2008.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made an acceptable statement of unintentional delay. Accordingly, the petition is **granted**.

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

The application is revived to the extent that it is pending for a period no longer than twelve months from its filing date. See 35 U.S.C. 111(b)(5).

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

Telephone inquiries specific 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

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KRISTOPHER L. ANDERSON
13205 OVERLAND PASS
AUSTIN, TX 78738

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OFFICE OF PETITIONS

In re Application of Timmons et al. :
Application No. 60/975,803 :
Filing Date: September 27, 2007 :
Attorney Docket No. UTAR :1029 :

Decision on Petition

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

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed October 12, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on December 13, 2007. A Notice of Abandonment was mailed on June 19, 2008.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the reply required to the outstanding Office action or notice, unless previously filed,
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice to File Missing Parts in the form of payment of the required filing fee and surcharge. Petitioner has submitted the required petition fee of $770. Petitioner has stated 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 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 Monday, September 29, 2008, when it went abandoned as a matter of law.

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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Clements Bernard Miller
1901 Roxborough Road
Suite 300
Charlotte, NC 28211

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AUG 15 2008

In re Application of :
Pam Delhotal :
Application No. 60/975,893 : DECISION ON PETITION
Filed: September 28, 2007 : TO WITHDRAW
Attorney Docket No. 4753P : 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 16, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 reason set forth in the request "No longer represent Inventor", does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

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 Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Pam Delhotal
1640 Lighthouse Avenue
Fort Mill, SC 29708

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1901 Roxborough Road
Suite 300
Charlotte, NC 28211

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SEP 15 2008

In re Application of :
Pam Delhotal :
Application No. 60/975,893 : DECISION ON PETITION
Filed: September 28, 2007 : TO WITHDRAW
Attorney Docket No. 4753P : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 18, 2008.

The request is **APPROVED**.

A review of the file record indicates that Christopher L. Bernard : (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, all the attorneys associated with customer number 22474 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).

The request to change the correspondence address has been changed and is copied below.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Pam Delhotal
1640 Lighthouse Avenue
Fort Mill, SC 29708

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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./TITLE
60/975,893	09/28/2007	Pam Delhotal	4753P

CONFIRMATION NO. 1966

POWER OF ATTORNEY NOTICE

22474
CLEMENTS BERNARD MILLER
1901 ROXBOROUGH ROAD
SUITE 300
CHARLOTTE, NC 28211

Date Mailed: 09/15/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/18/2008.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MINNEAPOLIS, MN 55440-1022

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JUN 06 2008

OFFICE OF PETITIONS

In re Application of :
Angell, et al. :
Application No. 60/976,209 : ON PETITION
Filed: September 28, 2007 :
Attorney Docket No. 22193-023P01/M7-139

This is a decision on the petition under 37 CFR 1.182, filed May 16, 2008, to change the name of the first joint inventor cited on this application in USPTO records.

The petition is granted.

The name of the first joint inventor for the above-cited application is changed to "Charles Austen Angell."

The fee for the instant petition is $400.00, not $130.00. Deposit account 06-1050 will be charged $270.00 for the outstanding amount due.

A corrected filing receipt is enclosed.

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

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
60/976,209	09/28/2007		100	22193-023P01 / M7-139		

CONFIRMATION NO. 3411

CORRECTED FILING RECEIPT

20985
FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 06/06/2008

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)

Charles Austen Angell, Mesa, AZ;
Xiao-Guang Sun, Tempe, AZ;

Power of Attorney:
Hwa Lee--59747

If Required, Foreign Filing License Granted: 10/09/2007
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 60/976,209**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
**** SMALL ENTITY ****
Title

Non-Aqueous Electrolyte Solution for Rechargeable Lithium Batteries

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
60/976,244	09/28/2007	My The Doan		3581

7590 09/22/2008

My The Doan
83 Hampshire Close, NW
Calgary, T3A 4X9
CANADA

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
09/22/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☑ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
60/976,244	09/28/2007	My The Doan		3581

7590 09/22/2008

My The Doan
83 Hampshire Close, NW
Calgary, T3A 4X9
CANADA

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
09/22/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☑ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan
Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
60/976,407		My The Doan		4279

7590 09/23/2008

My The Doan
83 Hampshire Close, NW
Calgary, AB T3A 4X9
CANADA

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
09/23/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☑ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kalethia Buchanan
Patent Publication Branch
Office of Data Management

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AUG 11 2009

OFFICE OF PETITIONS

FOX ROTHSCHILD LLP
2000 MARKET STREET, 10TH Floor
PHILADELPHIA, PA 19103

In re Application of :
Ralph D. GENUARIO :
Application No. 60/976,762 : DECISION ON PETITION TO
Filed: October 1, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **P33994 USA** :

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 31, 2008.

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.

The request was signed by Joseph F. Posillico on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning the status or examination of this application should be directed to the Office of Patent Application Processing at 571-272-4100

Inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **ESCRUB SYSTEMS INC.**
110 WEST 9TH STREET, SUITE 662
WILMINGTON, DE 19801

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

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

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MAR 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Lucio BIASE	:	
Application No. 60/976,865	:	DECISION ON PETITION
Effective Date: October 02, 2007	:	
Attorney Docket No. **114828.010200**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 07, 2009, 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 January 30, 2008. 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 April 01, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a surcharge, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of January 30, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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

Ramesh Krishnamurthy
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

ROGER VANDERLINDEN
SUITE 300
1100 BURLOAK DRIVE
BURLINGTON, ONTARIO L7L 6B2
CANADA

COPY MAILED

JUL 24 2008

In re Application of	:	
Vanderlinden, Roger	:	
Application No. 60/977,082	:	ON PETITION
Filed: October 2, 2007	:	
Attorney Docket No. 005 RV-95-US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 30, 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 the Provisional Cover Sheet and $25.00 surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

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 October 2, 2008, when it will become abandoned as a matter of law.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Feb-09

JOHN TONGS
3334 HAMMOCK RD
SEBRING FL 33872

MAILED

FEB 06 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
John William Tongs :
Application Number: 60/977149 :
Filing Date: 10/03/2007 :
For: TREATMENT OF HUMAN BLOOD :
DURING EXTRACORPOREAL :
CIRCULATION USING A GAS :
EXCHANGE DEVICE (GED) IN :
PATIENTS :

This is a decision on the petition under 37 CFR 1.182, filed on January 7, 2008, to correct the inventor's name.

The petition is **DISMISSED**.

At the outset, the fee required for a petition under 37 CFR 1.182 is $400.00. On January 7, 2008, $130.00 was paid. $270.00 must be paid with any renewed petition. 37 CFR 1.22(a) states that patent fees and charges payable to the United States Patent and Trademark Office are required to be paid in advance; that is, at the time of requesting any action by the Office for which a fee or charge is payable. Therefore, the petition cannot be treated on the merits until the proper fee is paid.

Additionally, the petition is not properly signed. 37 CFR 1.33(b) states that papers filed in an 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.

The original application was filed by John William Tongs. The petition must be signed by the applicant, assignee, or a registered patent practitioner. The petition, however, has been

signed by Colin Tongs, who has not been shown the applicant or assignee.

If the application was filed with an incorrect inventor's name, it is suggested that a petition to correct the inventor's name be signed by a registered patent practitioner, or, alternatively, the assignee, if any, as provided for under 37 CFR 3.71. The assignee must provide the statement required under 37 CFR 3.73(b). A copy of the form for completing the Statement Under 37 CFR 3.73(b) is enclosed.

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

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

By 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

Encl: Statement Under 37 CFR 3.73(b)

Cc:

COLIN TONGS
3334 HAMMOCK RD
SEBRING FL 33872

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-09

COLIN TONGS
3334 HAMMOCK RD
SEBRING FL 33872

MAILED

MAY 13 2009

OFFICE OF PETITIONS

In re Application of :
John William Tongs :
Application Number: 60/977149 :
Filing Date: 10/03/2007 :
For: TREATMENT OF HUMAN BLOOD :
DURING EXTRACORPOREAL :
CIRCULATION USING A GAS :
EXCHANGE DEVICE (GED) IN :
PATIENTS :

ON PETITION

This is a decision on the paper filed on March 10, 2009, which is treated as a request to correct the inventorship of the above-identified application under 37 CFR 1.182 and 37 CFR 1.48(d) and (e).

The petition is **DISMISSED**.

The provisional application was filed with an Application Data Sheet (ADS) naming John William Tongs as the sole inventor.

On January 7, 2008, petitioners filed a request to delete John William Tongs as the first named inventor and to add Velio A. Bocci, Colin E. Tongs, Trafalgi Valter, Zanardi Iacopo, and Di Paolo as inventors.

On February 6, 2009, the petition was dismissed.

On March 10, 2009, the subject renewed petition was filed. Petitioner, Colin Tongs, asserts that an incorrect name, John William Tongs, was inscribed on the ADS as a result of a typographical error, and that the name Colin Tongs was meant to be included instead. Petitioners additionally request that Velia A. Bocci, Trafalgi Valter, Zanardi Iacopo, and Di Paolo be added as joint inventors.

With regard to the correction from John William Tongs to Colin E. Tongs, petitioner states, in essence, that the naming of John William Tongs as an inventor was due to an typographical error in preparing the ADS. Under the circumstances of this case, this

error may be treated as a typographical error in providing the inventor's name rather than a change in inventorship.

MPEP 605.04(b) states that except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

The fee for a petition under 37 CFR 1.182 is currently $400.00. In this regard, $130.00 was submitted on January 7, 2008. An additional $270.00 is due, however, in order for the petition to be treated under 37 CFR 1.182.[1]

As the proper fee has not been submitted, the petition is dismissed. Any renewed petition must be accompanied by the remaining balance of $270.00.

With regard to the other inventors which petitioner wishes to add, only one inventor's name is specified on the ADS. Accordingly, the showing of record is that applicants intended to name only one inventor. Accordingly, the showing of record suggests that the other four (4) persons named in the petition were not named as inventors at the time the application was filed. Accordingly, a petition under 37 CFR 1.48(d) is required to add those individuals as inventors.

37 CFR 1.48(d) states that if the name or names of an inventor or inventors were omitted in a provisional application through error without any deceptive intention on the part of the omitted inventor or inventors, the provisional application may be amended to add the name or names of the omitted inventor or inventors. Amendment of the inventorship requires: (1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the inventor or inventors being added and states that the inventorship error occurred without deceptive intention on the part of the omitted inventor or inventors; and (2) The processing fee set forth in § 1.17(q).

Petitioner has not provided a properly signed request, in accordance with 37 CFR 1.48(d) to correct the inventorship stating that the inventorship error occurred without deceptive

---

[1] 37 CFR 1.22

intention on the part of the omitted inventor or inventors. Further, a processing fee of $130.00, in addition to the $270.00 discussed above, is due for consideration of a request under 37 CFR 1.48(d).

Any renewed petition must be accompanied by a proper statement in accordance with 37 CFR 1.48(d) to add the inventors.[2]

Receipt of the processing fee of $130.00 filed on January 7, 2008 is acknowledged.

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 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

[2] In view of the circumstances noted in the letter filed on March 10, 2008, the name on the correspondence address has been changed from John Tongs to Colin Tongs.

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

ENGLISH & ASSOCIATES, ATTORNEYS AT LAW
COUNTY SQUARE PROFESSIONAL OFFICES
674 COUNTY SQUARE DRIVE, SUITE 101
VENTURA CA 93003

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OCT 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Frederick J. Carr :
Application No. 60/977,596 : DECISION ON PETITION
Filed: October 4, 2007 :
Attorney Docket No. 04-10-2007 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed July 17, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

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

The application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application (Notice) mailed October 17, 2007, which set a period of response of two (2) months. No response was filed and the application went abandoned on December 18, 2007. A Notice of Abandonment was mailed June 19, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks items (1) and (3).

In regard to item (1), no reply to the Notice has been provided. Petitioner indicates that since they have yet to receive a copy of the Notice they do not know what the reply is. A copy of the Notice is included with this decision.

In regard to item (3) above, the showing of unavoidable delay is not considered at this time to be proper. In this regard, the petition containing the showing of unavoidable delay is not signed. The last page of the petition has the name "Douglas English" and then "Patent Attorney" typed. However, there is no actual signature above the typed name. Further, a review of Office records shows no registered patent attorney with the name Douglas English. English is not the inventor of record and there is no assignee. Petitioner's attention is directed to 37 CFR 1.33(b), which states.

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

It is noted that this petition is based on non-receipt of the Notice. Petitioner may want to consider filing a petition under 37 CFR 1.181, Petition to Withdraw Holding of Abandonment. 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).

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

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

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

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

Attachment: 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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/977,596	10/04/2007	Frederick J. Carr	04-10-2007

CONFIRMATION NO. 9327

27637
ENGLISH & ASSOCIATES, ATTORNEYS AT LAW
COUNTY SQUARE PROFESSIONAL OFFICES
674 COUNTY SQUARE DRIVE, SUITE 201
VENTURA, CA 93003

FORMALITIES LETTER

Date Mailed: 10/17/2007

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.

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 notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$25** for a small entity
- **$25** Surcharge.

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FASKEN MARTINEAU DUMOULIN LLP
2100 - 1075 WEST GEORGIA STREET
VANCOUVER BC V6E-3G2 CA CANADA

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JAN 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Fernando, et al.	:	
Application No. 60/977,933	:	DECISION ON PETITION
Filed: October 5, 2007	:	
Attorney Docket No. 265980.00017	:	

This is a decision on the petition under 37 CFR 1.53, filed December 24, 2007, to accord the above-identified application a filing date of October 5, 2007.

The petition under 37 CFR 1.53 is **GRANTED**.

The application was deposited on October 5, 2007. However, on October 26, 2007, 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.

Petitioner states that drawings are not necessary for an understanding of the claimed subject matter, and therefore, the application should be accorded the October 5, 2007 filing date without the drawings.

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

MPEP 601.01(f) also states that:

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

The instant provisional application contains method claims. 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 October 26, 2007, was mailed in error and is hereby **withdrawn**.

As the instant petition was due to USPTO error, the petition fee of $400 for the petition under 37 CFR 1.53 will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Patent Application Processing for further processing as a provisional application with a filing date of October 5, 2007, 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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222 EAST 41ST ST
NEW YORK NY 10017

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JAN 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Jooss, et al. :
Application No. 60/978,029 : DECISION ON PETITION
Filed: October 5, 2007 :
Attorney Docket No. 011768-0010-888:

This is a decision on the petition under 37 CFR 1.53, filed December 21, 2007, to accord the above-identified application a filing date of June 28, 2007.

The petition under 37 CFR 1.53 is **GRANTED**.

The application was deposited on October 5, 2007. However, on October 26, 2007, 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.

Petitioner states that drawings are not necessary for an understanding of the claimed subject matter, and therefore, the application should be accorded the October 5, 2007 filing date without the drawings.

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

MPEP 601.01(f) also states that:

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

The instant provisional application contains method claims. 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 October 26, 2007, was mailed in error and is hereby **withdrawn**.

As the instant petition was due to USPTO error, the petition fee of $400 for the petition under 37 CFR 1.53 has been refunded to Deposit Account No. 50-3013.

The application is being forwarded to the Office of Patent Application Processing for further processing as a provisional application with a filing date of October 5, 2007, 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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BERGMAN & SONG, LLP
P.O. BOX 400198
CAMBRIDGE MA 02140

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OFFICE OF PETITIONS

In re Application of :
Mark D. Brusnvold. :
Application No. 60/978,115 : DECISION ON PETITION
Filed: October 6, 2007 :
Attorney Docket No. P6000-0003-P001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 2008 and supplemented on December 10, 2008, 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 November 5, 2007. 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 January 6, 2008.

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 $25 surcharge, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

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). 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.

Petitioner is reminded 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) 272-3215.

This application is being referred to the Office of Patent Application Processing for Pre-exam processing.

Charlema Grant
Petitions Attorney
Office of Petitions

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SUITE 500
AKRON OH 44311

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OFFICE OF PETITIONS

In re Application of
Martin Sentmanat
Application No. 60/978,446
Filed: October 9, 2007
Attorney Docket No. 22709.46564

DECISION ON PETITION

This is a decision on the petition filed August 22, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $105.00, submitted on October 9, 2007, has been credited to petitioner's deposit account no. 50-1210.

Further, the petition was filed in application no. 60/978,453 instead of the above application no. 60/978,446. The copy of the petition is being placed in the above application.

As no further action will be taken in this application, this matter is being referred to the Office of Data Management for express abandonment of the subject application.

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

Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Martin Sentmanat :
Application No. 60/978,453 : DECISION ON PETITION
Filed: October 9, 2007 :
Attorney Docket No. 22709.46564 :

This is a decision on the request filed December 7, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (6) above.

It is not clear from the above petition which application is to be abandoned. Petitioner states in his petition: "It is my further request to cancel the **two** following application and confirmation number on filing receipt received ....." Clarification is required.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

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

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

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

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

LEO STANGER
382 SPRINGFIELD AVENUE
SUMMIT NJ 07901

In re Application of :
Slifken, et al. :
Application No. 60/979,743 : ON PETITION
Filed: October 12, 2007 :
Attorney Docket No. 83673P3 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 16, 2008.

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

The above application became abandoned for failure to file a reply to the Notice to File Missing Parts of Provisional Application mailed on November 13, 2007. The Notice set an extendable period for reply of two months for applicants to submit the statutory basic filing fee, together with a surcharge for its late filing. No reply having been received, the application became abandoned on January 14, 2008. The Office mailed a Notice of Abandonment on July 21, 2008.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the statutory basic filing fee and late surcharge.

The file is being forwarded to the Office of Patent Application Processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110-1083

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SEP 23 2008

In re Application of	:	
Kanjilal et al.	:	
Application Number: 60/979777	:	ON PETITION
Filing Date: 10/12/2007	:	
Attorney Docket Number: 50269-0962	:	

This is a decision on the petition to withdraw the holding of abandonment filed on August 11, 2008.

This application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed on October 22, 2007, which set a two (2) month shortened period for reply. No extensions of the time for reply were obtained in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on June 27, 2008.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Missing Parts of Provisional Application mailed on October 22, 2007. In support of the allegation that the Notice to File Missing Parts of Provisional Application mailed on October 22, 2007 was never received, petitioners has submitted a copy of a docket record and provided a statement by registered patent practitioner Rhys W. Cheung, stating that a search of the file jacket and docket records indicates that the Notice to File Missing Parts was not received. On August 27, 2008, a supplemental petition, including additional docket records, was supplied.

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Provisional Application mailed on October 22, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice to File Missing Parts of Provisional Application mailed on October 22, 2007 was properly mailed to the address of record. This presumption may be overcome by a showing that the

Notice to File Missing Parts of Provisional Application mailed on October 22, 2007 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month

> period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> (emphasis added)

Petitioner has provided a copy of the docket record. The supplemental petition states that no master docket record is maintained. Nevertheless, the docket records are determined to adequately provide documentary proof of nonreceipt of the Notice to File Missing Parts of Provisional Application mailed on October 22, 2007.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application is being referred to the Office of Patent Application Processing for remailing of the Notice to File Missing Parts of Provisional Application mailed on October 22, 2007. The period for reply will be reset from the mailing date thereof.

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

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AUG 20 2008

Evans & Molinelli, PLLC
U.S. Post Office Box 7024
Fairfax Station, VA 22039

In re Application of	:	
Jeff G. Wang et al.	:	
Application No. 60/979,863	:	DECISION ON PETITION
Filed: October 14, 2007	:	
Attorney Docket No. COL001-028P	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed November 9, 2007. 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 January 10, 2008. A Notice of Abandonment was mailed on July 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a $105 to complete the filing fee, and a $25 surcharge fee (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

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). Since the $820 extension of time fee submitted with the petition on July 23, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 23, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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LAW DEPARTMENT – INTELLECTUAL PROPERTY
ONE PPG PLACE – 39TH FLOOR
PITTSBURGH, PA 15272-0001

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OFFICE OF PETITIONS

In re Application of	:	
Swisher et al.	:	
Application No. 60/979,992	:	DECISION GRANTING
Filed: October 15, 2007	:	PETITION
Attorney Docket No. 064634V1	:	

This is a decision on the petition filed January 4, 2008, which is being treated under 37 CFR §1.53(e)(2)[1] to accord the above-identified application a filing date of October 15, 2007.

The petition is **GRANTED**.

The application was deposited on October 15, 2007. However, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (Notice) on December 3, 2007, stating that the application was deposited without drawings.

In reply to the Notice, petitioner filed the petition stating the drawings referenced in the application are not necessary for the understanding of the subject matter sought to be patented. Petitioner has also submitted the omitted drawings.

Since drawings are not necessary for an understanding of the invention, the application will be accorded a filing date of October 15, 2007.

In view of the above, the $400.00 petition fee will be refunded as requested. The funds will be credited to petitioner's deposit account as authorized.

This matter is being referred to Office of Patent Application Processing for further **processing with a filing date of October 15, 2007**, and an indication in the Office records that "0" sheets of drawing were present on filing.

Telephone inquiries concerning this matter may be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Any other inquiries should be directed to the Office of Patent Application Processing.

David Bucci
Petitions Examiner
Office of Petitions

---

[1] §1.53(e)(2) provides that "Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph. ... In the absence of a timely (§1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected."

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CARTER J. WHITE LEGAL DEPARTMENT
M-I L.L.C.
5950 NORTH COURSE DRIVE
HOUSTON TX 77072

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OFFICE OF PETITIONS

In re Application of :
RICHARD KEATCH :
Application No. 60/980,040 : ON PETITION
Filed: 10/15/2007 :
Attorney Docket No. PA-02104USP :

This is a decision on the petition filed on December 7, 2007, requesting that the Office accord the above-identified provisional application a filing date of October 15, 2007.

On October 15, 2007, applicants deposited the above-identified provisional application without drawings. On November 27, 2007, the Office mailed a Notice of Incomplete Provisional Application, indicating that the application had not been accorded a filing date because the application had been deposited without drawings, and stating that the filing date would be the date of receipt of the omitted drawings. On December 7, 2007, applicants submitted the present petition, a preliminary amendment deleting all references to the drawings,[1] and a $400.00 petition fee. In the petition, Sara K. M. Hinkley, a registered patent practitioner, stated that drawings were not necessary under 37 CFR 1.113.

A review of the provisional application papers deposited on October 15, 2007, reveals that the application contains method claims. 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

[1] "No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application." 37 CFR 1.53(c).

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 this application contains method claims, it 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 Notice of Incomplete Provisional Application was sent in error. The above-identified application may be accorded a filing date of October 15, 2007, 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.

This application is being forwarded to the Office of Patent Application Processing to accord the application a filing date of October 15, 2007, with "0" sheets of drawings, and to mail a corrected filing receipt.

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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Paper No.

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
Chen et al. : DECISION ON PETITION
Application No. 60/980,162 :
Filed: October 15, 2007 :
Atty Docket No. 037145-9175 :

This is in response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE TO FILE MISSING PARTS UNDER 37 C.F.R. § 1.181 filed August 26, 2008.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 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). Extensions of time under §1.136(a) are not permitted.

The above-identified application became abandoned for failure to file a response to the NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION mailed October 23, 2007. This Office communication set a two-month period for reply. No extensions of time under § 1.136(a) were obtained. As no response was received, the application became abandoned effective December 24, 2007. A courtesy Notice of Abandonment was mailed on June 27, 2008.

In response, applicants filed the instant petition. Applicants request withdrawal of the holding of abandonment on the basis that the Notice to File Missing Parts of Application was never received.

A review of the application file reveals no irregularities in the mailing of the Notice to File Missing Parts of Application

mailed October 23, 2007. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, applicants must submit evidence to overcome this presumption. As stated in MPEP 711.03(c), the following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Practitioner states that the Office action was not received by the practitioner and that a search of the file jacket and docket records indicates that the correspondence was not received. Practitioner supplies a copy of the docket record where the

nonreceived Office communication would have been entered had it been received and docketed.

However, the showing is not sufficient. The only docket record provided is one for the present application. The required showing of non-receipt requires that petitioner supply a copy of the master docket showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. Petitioner has not explained the absence of a master docket. As quoted from the MPEP above, if no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. It is also noted that practitioner should clearly state that the Office communication was not received at the correspondence address of record. Given the deficiencies in applicants' showing, it is concluded that the required showing of non-receipt has not been met.

If applicants cannot provide persuasive evidence of non-receipt of the Notice to File Missing Parts, applicants may submit a petition to revive pursuant to § 1.137.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN D. TRAN
BUUS, KIM, KUO, & TRAN, LLP
4675 MacArthur Court
Suite 590
Newport Beach CA 92660

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SEP 22 2008
OFFICE OF PETITIONS

In re Application of :
Rutter et al. :
Application No. 60/981,050 : DECISION ON PETITION
Filed: October 18, 2007 :
Attorney Docket No. 10146-Re-Recordable Voice :

This is a decision on the petition, filed August 20, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of December 5, 2007, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before February 5, 2008.

Petitioner states that a timely reply was mailed via certificate of mailing on December 23, 2007, which included the following papers: provisional coversheet and $25 surcharge. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated December 23, 2007, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice to File Missing Parts of December 5, 2007 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on December 23, 2007.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Fish & Richardson PC
P.O. Box 1022
Minneapolis, MN 55440-1022

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AUG 2 9 2008

OFFICE OF PETITIONS

In re Application of	:	
John D. Jarrell	:	
Application No. 60/981,263	:	DECISION ON PETITION
Filed: October 19, 2007	:	TO WITHDRAW
Attorney Docket No. 22787-002P01	:	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 June 2, 2008.

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 Tony Zhang on behalf of all attorneys of record. All attorneys/agents associated 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.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **John D. Jarrell, M.Sc., PE**
3120-3124 Pawtucket Avenue
East Providence, RI 02915

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/981,263	10/19/2007	John D. Jarrell	22787-002P01

CONFIRMATION NO. 4246

POWER OF ATTORNEY NOTICE

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 08/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/02/2008.

- 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.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY UT 84091-1219

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MAR 21 2008

OFFICE OF PETITIONS

In re Application of :
Harris, et al :
Filed: October 19, 2007 : ON PETITION
Application No. 60/981,422 :
Dkt. No.: 00846-U4223.PROV :

This is a decision on the "PETITION TO ACCORD A FILING DATE UNDER 37 CFR § 1.53(e)," filed February 1, 2008, to accord the above-identified application a filing date of October 19, 2007.

The petition is DISMISSED.

The application was filed October 19, 2007 without drawings. The Notice of Incomplete Provisional Application (Notice) was mailed January 7, 2008. The Notice indicated the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

Petitioners argue that drawings are not necessary for an understanding of the invention. Petitioners have provided a copy of one drawing sheet containing Figure 1.

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

Moreover, MPEP 601.01(f) states that a nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors. Should the Technology Center determine that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application includes at least one method claim. As it is USPTO practice to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary, the application, as submitted, is entitled to a filing date of October 19, 2007. Thus, the instant petition is unnecessary as the instant application is otherwise entitled to a filing date under 37 CFR 1.53(c). Accordingly, the Notice is withdrawn.

The application will be processed with only the papers present on October 19, 2007, without drawings as part of the original disclosure.

No fee is due in connection with this matter. A refund of $400.00 will issue in due course.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of October 19, 2007 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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Alexandria, VA 22313-1450
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LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD,
SUITE 100
PALO ALTO, CA 94303

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SEP 11 2008

In re Application of :
Christopher James DANEK, et al :
Application No. 60/981,735 : DECISION ON PETITION
Filed: October 22, 2007 : TO WITHDRAW
Attorney Docket No. ATHRPZ00700 : 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 16, 2008.

The request is **NOT APPROVED.**

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DAN RYAN
RYAN KROMHOLZ & MAMION, S.C.
3350 GATEWAY ROAD
BROOKFIELD, WI 53045

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

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OFFICE OF PETITIONS

In re Application of Montijo :
Application No. 60/981,798 : Decision on Petition
Filing Date: October 22, 2007 :
Attorney Docket No. HEWAYS.060PR :

This a decision on the petition filed March 27, 2008, to accord the above-identified provisional application a filing date of October 22, 2007.

The petition is **granted**.

On October 22, 2007, petitioner filed a specification which only included drawings.

On February 15, 2008, a Notice of Incomplete Application was mailed stating that a filing date had not been accorded and that a specification must be filed.

35 USC 112 states in part, "The specification shall contain a written description of the invention."

Drawings alone *may* constitute a specification. In other words, "[D]rawings alone *may* be sufficient to provide the "written description of the invention" required by [35 U.S.C. 112, first paragraph."[1] However, since the drawings filed with the application contain text, it is unnecessary to determine if the drawings alone would satisfy 35 USC 112.

The text on the instant drawing will be construed as a written description.

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

[1] Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 1564, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991) (emphasis in original).

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

The Notice mailed February 15, 2008, is hereby vacated.

The petition fee of $400 has been credited back to petitioner's credit card.

The file is now being forwarded to the Office of Patent Examination Procedure to accord the application a filing date of October 22, 2007, using the two pages of "drawings" as the specification.

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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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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OFFICE OF PETITIONS

In re Application of	:	
Chirag Patel, et al.	:	
Application No. 60/981,863	:	DECISION ON PETITION
Filed: October 23, 2007	:	TO WITHDRAW
Attorney Docket No. 65746.000023	:	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 6, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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, ***subject patent application acquired by a new entity. Hunton & Williams LLP has not been retained as counsel***, do 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 Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **RLD 2, Inc.**
286 Fifth Avenue, 6th Floor
New York, NY 10001

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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

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JAN 31 2008

OFFICE OF PETITIONS

In re Application of
Daniel Robert Grace
Application No. 60/981986
Filing or 371(c) Date: 10/23/2007
Attorney Docket Number:
4685-0033

ON PETITION

This is a decision on the "Request for Correction for Notice of Abandonment," filed November 15, 2007. The request is properly treated as a petition under 37 CFR 1.181(a).

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

The application was filed on October 23, 2007. On October 30, 2007, this Office mailed a Notice of Express Abandonment.

Applicant files the present petition and avers that no express abandonment was filed by Applicant.

Office records confirm that no express abandponment was filed in this application. Office records further reveal that the Notice of Express Abandonment was withdrawn in a "Withdrawal of Previously Sent Notice," mailed December 21, 2007.

In view of the foregoing, the petition is dismissed as moot. The application is being referred to the Office of Patent Application Processing for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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MARCUS A. KRIETER
2549 EASTBLUFF DRIVE #191
NEWPORT BEACH CA 92660

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of :
Marcus Allen Krieter :
Application Number: 60/982422 : DECISION ON PETITION
Filing Date: 10/25/2007 :
For: TEMPORAL NETWORK SERVER :
CONNECTED DEVICES WITH OFF-LINE :
AD HOC UPDATE AND INTERACTION :
CAPABILITY :

This is a decision on the petition filed on August 15, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on January 7, 2008, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on November 6, 2007, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on July 15, 2008.

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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 Director 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 subject petition is accompanied by the required reply of the $25.00 surcharge for the late filing of a provisional application cover sheet or filing fee.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an 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 petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The application is referred to the Office of Patent Application Processing for further processing.

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

/DWood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:
MATTHEW MUSHET, ESQ.
OC PATENT, P.C.
6332 ROYAL GROVE DRIVE
HUNTINGTON BEACH CA 92648

---

[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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Zippori 17910
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OFFICE OF PETITIONS

In re Application of	:	
Shal et al.	:	
Application No. 60/982,480	:	DECISION ON PETITION
Filed: October 25, 2007	:	PURSUANT TO
Attorney Docket No.: 1007-1006.1	:	37 C.F.R. § 1.137(B)
Title: METHODS FOR COMBATING VOLTAGE SHIFT IN MEMORY DEVICES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed June 1, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed November 13, 2007, 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 January 14, 2008. A notice of abandonment was mailed on July 21, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 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 this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, a provisional application cover sheet along with the surcharge that is associated with the late submission of the same, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

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

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.

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

1 See Rule 1.137(d).

discussion may be controlling or considered authority for any further action(s) of Petitioner.

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/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Daniel Kligler
P.O. Box 33111
Tel Aviv, 61330
ISRAEL

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of Van Dyck et al. :
Application No. 60/982,808 : Decision on Petition
Filing Date: October 26, 2007 :
Attorney Docket No. 55505.97 :

This is a decision on the petitioner under 37 CFR 1.53(e) filed January 9, 2008, requesting that the above-identified provisional application be accorded a filing date of October 26, 2007.

The petition is **granted**.

The application was filed October 26, 2007.

The specification filed on October 26, 2007, described drawings containing Figures 1-5, but no drawings were filed on October 26, 2007.

On November 14, 2007, the Office issued a Notice stating the application was filed without drawings. The Notice also 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:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence)....
>
> A 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 26, 2007.

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 November 14, 2007, was mailed in error and is hereby withdrawn.

The application will be accorded the October 26, 2007, filing date without drawings as requested in the petition.

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

The petition fee of $400 has been credited back to petitioner's credit card.

The Office of Patent Application Processing will be informed of the instant decision and will process the application with a filing date of October 26, 2007.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of :
BLOMMAERT, Marc et al. :
Application No. 60/983,450 : DECISION ON PETITION
Filed: October 29, 2007 : TO WITHDRAW
Attorney Docket No. **090061-0750** : 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 11, 2008.

The request is **NOT APPROVED.**

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

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

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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MR. BRADLEY C. WRIGHT**
BANNER & WITCOFF LLP
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005

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

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
Ture **KINDT-LARSEN** :
Application No. 60/984,061 : DECISION ON PETITION
Filed: October 31, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **VTN5186PSP** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2008, 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 December 21, 2007. 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 February 21, 2008.

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.

Because the provisional application became abandoned by operation of law, twelve months after the filing date, this application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuing application under 37 CFR 1.53(b).

The application is being referred to the Office of Patent Application Processing for the completion of the pre-examination process comensurate 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

PTO/SB/64 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
VTN5186

First named inventor: Ture Kindt-Larsen, et al

Application No.: 60/984,061 Art Unit:

Filed: October 31, 2007 Examiner:

Title: PROCESS FOR FORMING RANDOM (METH)ACRYLATE CONTAINING PREPOLYMERS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

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 $ 1,500.00 (37 CFR 1.17(m))

Please charge Johnson & Johnson Deposit Account No. 10-0750/VTN5186PSP/KAH in the amount of $50.00 for submission of the Corrected Provisional Application Cover Sheet pursuant to Section 1.51(c)(1). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/VTN5186PSP/KAH

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Provisional App. Cover Sheet (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

09/23/2009 CKHLOK 00000002 100750 60984061
Sale Ref: 00000002 DA#: 100750 60984061
01 FC:1453 1620.00 DA
02 FC:1052 50.00 DA

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: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

/Karen A. Harding/	October 3, 2008
Signature	Date
Karen A. Harding	33,967
Typed or printed name	Registration Number, if applicable
Johnson & Johnson, One Johnson & Johnson Plaza	904-443-3074
Address	Telephone Number
New Brunwsick, New Jersey 08933-7003	
Address	

Enclosures:
☑ Fee Payment
☑ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☑ Other: Notice toFile Missing Parts, Corrected Provisional Application Cover Sheet

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

October 3, 2008	/Cynthia N. Crossland/
Date	Signature
	Cynthia N. Crossland
	Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GREGORY STEPHENS
WILLIAMS MULLEN PC
P.O. BOX 13646
RESEARCH TRIANGLE PARK NC 27709-3646

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OCT 27 2008

OFFICE OF PETITIONS

In re Application of :

SHIKOWITZ, Penny et al. :
Application No. 60/984,494 : DECISION ON PETITION
Filed: November 01, 2007 : TO WITHDRAW
Attorney Docket No. **048130** : 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 01, 2008.

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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Gregory Stephens, the sole attorney of record. Gregory Stephens has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Penny Shikowitz at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PENNY SHIKOWITZ**
323 CRESTVIEW DRIVE
DURHAM NC 27712

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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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Normand Herbert, et al.	:	
Application No. 60/984,683	:	DECISION ON PETITION
Filed: November 1, 2007	:	TO WITHDRAW
Attorney Docket No. 20268-722.101	:	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 February 1, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on May 21, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wilson Sonsini Goodrich & Rosati**
650 Page Mill Road
Palo Alto, CA 94304-1050

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MAY 13 2008

OFFICE OF PETITIONS

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

In re Application of	:	
Steven Hacker	:	DECISION GRANTING
Application No. 60/985,139	:	PETITION
Deposited: November 2, 2007	:	
Attorney Docket No. 69607P (302800)	:	

This is a decision on the petition filed April 9, 2008, requesting that the above-identified provisional application be accorded a filing date of July 9, 2008.

The application was deposited on November 2, 2007. However, on February 25, 2008, 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 pursuant to 35 USC 113.

In response, on April 9, 2008, the present petition was filed. Petitioner states that drawings are not necessary for an understanding of the claimed subject matter and, therefore, the application should be accorded the November 2 , 2007 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.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

The petition is granted. Deposit account no. 04-1105 will be credited the $400.00 petition fee.

The correspondence address on the petition differs from the correspondence address of record. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The petition is granted. No petition fee is due.

The application will be referred to the Office of Patent Application Processing for further processing with only the papers present on filing and is hereby accorded a filing date of **November 2,2007**, without drawings as part of the original disclosure

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

cc: Howard M. Gitten
Edwards Angell Palmer & Dodge LLP
One North Clematis Street
West Palm Beach, FL 33401

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LAW OFFICE OF CHARLES E. KRUEGER
P.O. BOX 5607
WALNUT CREEK CA 94596-1607

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Yi, et al. :
Application No. 60/985,963 :
Filed: November 6, 2007 :
Attorney Docket No. 002-84:CPOL 956484

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed September 17, 2008, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Provisional Application mailed December 17, 2007, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned February 18, 2008. A Notice of Abandonment was mailed September 3, 2008.

A grantable petition under 37 CFR 1.137(a)[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(1); (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 required by 37 CFR 1.137(c).

The instant petition lacks item (3)

[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.

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts that the Notice of December 17, 2007, was not received.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive. The reasons petitioner's argument must necessarily fail are addressed below.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> [t]he showing requires to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practioner's statement.

Petitioner has not made the evidentiary showing establishing non-receipt of the Office action as indicated above. The petition was not accompanied by docket records necessary to corroborate the assertion that the Notice to File Missing Parts of Provisional Application was not received. The petition under 37 CFR 1.137(a) must be dismissed accordingly. The renewed petition must be accompanied by the docket records supporting petitioner's claim that the Notice was not received.

Petitioner's request for a refund of the petition fee is noted but cannot be granted. Petitioner will note that a requirement for a successful petition under 37 CFR 1.137(a) is payment of the petition fee. Without the fee, the petition would be summarily dismissed without consideration on the merits. Further, petitioner had the option of filing a petition to withdraw the holding of abandonment under 37 CFR 1.181 which has no fee. See MPEP 711.03(c). Petitioner chose to file a petition under 37 CFR 1.137(a), however, which requires payment of the petition fee. It is not appropriate to refund the petition fee as the petition under 37 CFR 1.137(a) has been

---

[9]See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

considered on its merits and petitioner has received a decision. The request for refund of the petition fee is dismissed, accordingly.

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF CHARLES E. KRUEGER
P.O. BOX 5607
WALNUT CREEK CA 94596-1607

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DEC 04 2008

In re Application of :
Yi, et al. :
Application No. 60/985,963 : ON PETITION
Filed: November 6, 2007 :
Attorney Docket No. 002-84:CPOL 956484

This is a decision on the renewed petition under 37 CFR 1.137(a), filed October 28, 2008, to revive the above-identified application.

The renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Provisional Application mailed December 17, 2007, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on February 18, 2007. A Notice of Abandonment was mailed on September 3, 2008. A petition under 37 CFR 1.137(a) was first filed on September 17, 2008, and dismissed by a decision mailed October 10, 2008.

Petitioner has established the Notice to File Missing Parts of Provisional Application was not received.

The coversheet and surcharge filed September 17, 2008, are noted.

The provisional application expired by operation of law at midnight on November 6, 2008.

The file is now being directed to the Office of Patent Application Processing.

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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OFFICE OF PETITIONS

In re Application of :
Guzi et al. :
Application No. 60/986089 :
Filing or 371(c) Date: 11/07/2007 :
Attorney Docket Number: : DECISION
OC06665L01US : ON PETITION

This is a decision on the "Conditional Petition and Response to Notice of Incomplete Provisional Application," filed January 8, 2008, requesting the above-identified application be accorded a filing date of November 7, 2007.

The petition is granted.

The application was filed on November 7, 2007. On December 21, 2007, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that the application does not require drawings. The application complies with the patent statute and regulations based upon applicant's assertion that the figures are not necessary for an understanding of the invention.

Moreover, a review of the file reveals that the specification contains composition claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

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

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

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed December 21, 2007, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of November 7, 2007, and an indication that no drawings were present or required on filing.

A refund of the petition fee has been credited to deposit account 19-0365 as authorized in the present 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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SEP 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Dennis M. FEENAGHTY et al. :
Application No. 60/986,165 : DECISION ON PETITION
Filed: November 07, 2007 :
Attorney Docket No. **060992P1** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 19, 2008, 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 35 U.S.C. § 704.

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 28, 2007. 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 February 29, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As stated in the Notice of Incomplete Provisional Application mailed on December 28, 2007, the application was deposited without drawings. The specification as originally filed, references figures 1 through 6. See Page 2, paragraphs [0005] through [0010]. 35 U.S.C 113 states "when the nature of such subject matter admits (emphasis added) of illustration by a drawing and the applicant has not furnished such a drawing, the Director may require its submission ....". In view of the above, applicant's assertion that "drawings are not necessary" is not acceptable.

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 Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (01-08)
Approved for use through 02/29/2008. 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): 060992P1

First named inventor: Dennis Feenaghty

Application No.: 60/986,165 Art Unit:

Filed: November 7, 2007 Examiner:

Title: Systems and methods for predicting the performance of an embedded wireless device receiver by measuring the receiver automatic gain control in the absence of a signal carrier

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 $ 1540.00 (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.

Ramin Mobarhan Signature	June 19, 2008 Date
Ramin Mobarhan Typed or printed name	50182 Registration Number, if applicable
QUALCOMM, INC. Address	858/658-2447 Telephone Number
5775 Morehouse Drive, San Diego, CA 92121 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.

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 60986165 Total Records Found: 4

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
06/20/2008	00006747	4	1453	$1,540.00	06/19/2008	DA 170026
04/10/2008	00000038	4	1005	-$210.00	11/07/2007	DA 170026
04/10/2008	00000039	1	8026	$130.00	04/10/2008	DA 170026
11/08/2007	00003585	4	1005	$210.00	11/07/2007	DA 170026

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of :
Grzymala-Busse et al. :
Application Number: 60/986278 : ON PETITION
Filed: 11/07/2007 :
Attorney Docket Number: :
70027220-0004-001 :

This is a decision on the petition filed on February 4, 2008, which is treated as a petition requesting that the above-identified provisional application, without drawings, be accorded a filing date of November 7, 2007.

The petition is **GRANTED**.

The application was filed on November 7, 2007, without drawings. Accordingly, on December 6, 2007, 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 application had been deposited without drawings.

In response, on February 4, 2007, the subject petition was filed. Petitioners assert that that the application, as filed, is entitled to a filing date because drawings are not necessary for an understanding of the subject matter sought to be patented.

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

MPEP § 601.01(f) also states that:

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

drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

The arguments in the petition will be construed to mean that petitioner's counsel is asserting that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the Notice of Incomplete Provisional Application mailed on December 6, 2007, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of November 7, 2007, without drawings as a part of the original disclosure. The petition fee will be refunded to counsel.

Receipt of the papers filed with the petition referred to therein as "amendments" is acknowledged. 37 CFR 1.53(c) states that no amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.

Accordingly the papers filed with the present petition will not be processed as part of the original application papers, but will be retained in the application file.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to November 7, 2007, and for an indication in Office records that no (0) drawings were present on filing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL BEST & FRIEDRICH LLP
ONE SOUTH PINCKNEY STREET
P O BOX 1806
MADISON WI 53701

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of :
Shohei Koide et al. :
Application No. 60/986,475 :
Filed: November 8, 2007 : DECISION ON PETITION
Attorney Docket No. 092234-9118 :
US00 :
Title: MOLECULAR AFFINITY CLAMP :
TECHNOLOGY AND USES THEREOF :

This is a decision on the petition filed December 28, 2007, requesting that a filing date be accorded to the above-identified application. A petition to expedite the processing of this petition, along with the required fee, was filed on January 7, 2008.

On November 8, 2007, the above-identified application was deposited. On December 19, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application - Filing Date Not Granted (notice)", advising applicant that the application was deposited without drawings, and that a filing date would be accorded upon the submission of drawings.

On December 28, 2007, Petitioner submitted the present petition, along with an assertion that drawings are not necessary for an understanding of the subject matter sought to be patented.

The attorney of record has set forth, over her registration number:

> Applicants respectfully submit, however, that the inadvertently omitted drawings are not necessary for understanding of the subject matter sought to be patented…

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

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

The application file is being returned to the Office of Patent Application Processing (OPAP) for further processing with a **filing date of November 8, 2007,** the date of deposit of the application, using only the original application papers filed on that date. OPAP will then **mail an updated filing receipt.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

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

POLSINELLI SHALTON
FLANIGAN SUELTHAUS PC
100 SOUTH FOURTH STREET
SUITE 100
SAINT LOUIS MO 63102-1825

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SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Holtzman et al.	:	
Application No. 60/986,756	:	DECISION
Filed: November 9, 2007	:	ON PETITION
Attorney Docket No. 121425	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53(e) FOR FILING DATE" filed February 12, 2008, requesting that the above-identified application be accorded a filing date of November 9, 2007.

The petition is **GRANTED**.

Application papers in the above-identified provisional application were deposited on November 9, 2007. However, on February 4, 2008, the Office mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because the application was deposited without drawings.

In response, applicant timely filed the instant petition. Applicant argues that they are entitled to the November 9, 2007 filing date because the drawings are not necessary for the understanding of the subject matter sought to be patented under 35 U.S.C. 113. Applicant further states that the application is directed to methods and cites MPEP 601.01(f) in support of their contention that the application is therefore entitled to a filing date.

Applicant's contention is well-taken. This application is entitled to a filing date of November 9, 2007, without drawings.

It is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113(first sentence). MPEP § 601.01(f).

A review of the original application papers filed November 9, 2007, reveals that they contained at least one method claim. Thus, the application, containing a specification and at least one claim was complete within the meaning of 37 CFR §1.53(c), and entitled to a filing date of November 9, 2007.

Accordingly, the petition is granted to the extent that the provisional application will be accorded the November 9, 2007 filing date with no drawings as a part of the original disclosure of the application.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 50-1662, as authorized.

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

- **Correction of the filing date to November 9, 2007**; and

- indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from the Office of Patent Application Processing.

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.

DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER,
SUITE 1450
SAN FRANCISCO CA 94111

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DEC 22 2008

In re Application of :
Ian Aronson : DECISION ON PETITION
Application No. 60/986,958 :
Filed: November 9, 2007 :
Attorney Docket No. 1051.02 :

This is in response to the REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT PURSUANT TO 37 CFR §1.181(A) filed August 26, 2008.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 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). Extensions of time under §1.136(a) are not permitted.

The above-identified application became abandoned for failure to file a response to the NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION mailed November 23, 2007. This Office communication set a two-month period for reply. No extensions of time under § 1.136(a) were obtained. No response was received; the application became abandoned effective January 24, 2008. A courtesy Notice of Abandonment was mailed on August 1, 2008.

In response, applicants filed the instant petition. Applicants request withdrawal of the holding of abandonment on the basis that applicant's counsel never received the Notice of Missing Parts. Applicants state that the practitioner's review of the firm file for this application reveals that it did not contain a

Notice of Missing Part of any kind, but only contained a copy of the application filing receipt also mailed November 23, 2007. Applicants submit a copy of their Acknowledgment Receipt, acknowledging the electronic filing of the application on November 9, 2007; a copy of the Filing Receipt mailed November 23, 2007; and a copy of the Notice to File Missing Parts of Application as obtained from PAIR. Applicants did not submit a copy of any docket records to support their contention that the Notice to File Missing Parts was never received at the correspondence address of record.

A review of the application file reveals no irregularities in the mailing of the Notice to File Missing Parts of Application mailed November 23, 2007. The fact that applicants are in possession of the Filing Receipt mailed November 23, 2007 does not establish any irregularity. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. As stated in MPEP 711.03(c), the following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master

> docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Applicants have not submitted such evidence. Given the deficiencies in applicants' showing, it is concluded that the required showing of non-receipt has not been met.

If applicants cannot provide persuasive evidence of non-receipt of the Notice to File Missing Parts, applicants may submit a petition to revive pursuant to § 1.137.

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 concerning 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

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OCT 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Gray, et al. :
Application No. 60/986,961 : DECISION ON PETITION UNDER
Filed: November 9, 2007 : 37 C.F.R. §1.59(b)
Attorney Docket Number: 025924-000600US :
:

This is a decision on the petition filed September 2, 2008, pursuant to 37 C.F.R. §1.59(b), requesting that the Security Agreement filed August 28, 2008, be expunged.

The application was filed on May 4, 2006. On August 28, 2008, a Security Agreement was filed and recorded at reel/frame number 021459/0333. On that same date, another Security Agreement was filed at reel/frame number between 021459/0345. Petitioner now requests that the Security Agreement filed at reel/frame number 021459/0333 be expunged from the record because assignee information provided thereon was incorrect.

The petition is **DISMISSED**.

It is noted that 37 C.F.R. §1.59(b)provides for expungement of information from an application, excepting those papers described by 37 CFR 1.59(a), when petitioner has established to the satisfaction of the Director that the expungement of the information is appropriate. Section 323.01(d) of the Manual of Patent Examining Procedure (MPEP) provides that:

> Petitions to correct, modify or "expunge" assignment records are rarely granted. Such petitions are granted only if the petitioner can prove that:
>
> (A) the normal corrective procedures outlined in MPEP § 323.01(a) through § 323.01(c) will not provide the petitioner with adequate relief; and
>
> (B) the integrity of the assignment records will not be affected by granting the petition.

Further, MPEP § 323.01(c) provides for correction of assignment records by filing the following:

> (A) a completed cover sheet identifying the application or patent against which the assignment was improperly recorded;
>
> (B) an affidavit or declaration (1) identifying itself as the correct owner, (2) stating that the previously recorded document was submitted with erroneous information, and (3) providing the reel and frame number of the previously recorded document; and
>
> C) the required fee (37 CFR 3.41) for each application or patent to be corrected.

Petitioner has not established that in this instance that the normal corrective procedures provided in MPEP 323.01(c) will not provide adequate relief. Further, it is noted that petitioner has filed a corrective Security Agreement at reel/frame number 021459/03451. Petitioner has not established that the expungement under 37 CFR 1.59(b) of the Security Agreement recorded at reel/frame number 021459/0333 is appropriate because petitioner has not established that the procedures provided in MPEP 323.01(c) are inadequate. The petition is dismissed accordingly.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

1 It is noted that the coversheet for the Security Agreement recorded at reel/frame number 021459/0345 does not specifically state that the Security Agreement is a corrected document. In accordance with MPEP 323.01(c), petitioner may wish to file a coversheet and affidavit that clarifies this point.

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SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Eric James DEVROE	:	
Application No. 60/987,058	:	DECISION ON PETITION
Filed: November 10, 2007	:	
Attorney Docket No. 26139-13579	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed February 1, 2008. 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 April 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required supplemental fee (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571)272-6735.

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

Thurman Page
Petitions Examiner
Office of Petitions

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111

MAILED

JAN 29 2009

OFFICE OF PETITIONS

In re Application of :
Curtis C. Harris, et. al. :
Application No. 60/987,340 : DECISION ON PETITION
Filed: November 12, 2007 :
Attorney Docket No. 015280-547000US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed December 21, 2007. 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 February 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $50 for the surcharge fee, (2) the petition fee of $1540, and (3) an adequate statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Andrea Smith
Petitions Examiner
Office of Petitions

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CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

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JUL 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Xia Qin et al :
Application No. 60/987,354 : DECISION ON PETITION
Filed: November 12, 2007 :
Attorney Docket No. 4194-11200 :

This is a decision on the petition under 37 CFR 1.182, filed, March 13, 2008, to correct the spelling of the name of the first named inventor "Alice Qin" to – Xia Qin --.

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.

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

Irvin Dingle
Petition 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
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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
60/987,354	11/12/2007		210	4194-11200		

CONFIRMATION NO. 4571

CORRECTED FILING RECEIPT

30652
CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

Date Mailed: 06/27/2008

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)

Xia QIN, Nanjing, CHINA;
Behcet SARIKAYA, Wylie, TX;

Power of Attorney: The patent practitioners associated with Customer Number 30652

If Required, Foreign Filing License Granted: 12/18/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 60/987,354**

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

Non-Publication Request: No

Early Publication Request: No

Title

PMIPv6 Route Optimization Protocol

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/987,397	11/12/2007	Tamer Safwat Aziz Eskander	Radius/02P

CONFIRMATION NO. 4686

55313
SELDON & SCILLIERI
12121 WILSHIRE BLVD.
SUITE 1300
LOS ANGELES, CA 90025-1166

CONVERSION REQUEST

OC000000035683406

Date Mailed: 04/28/2009

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 **11/12/2008,** 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 Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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./TITLE
60/987,403	11/12/2007	Tamer Safwat Aziz Eskander	Radius/03P-2

CONFIRMATION NO. 4703

CONVERSION REQUEST

55313
SELDON & SCILLIERI
12121 WILSHIRE BLVD.
SUITE 1300
LOS ANGELES, CA 90025-1166

OC000000038296449

Date Mailed: 10/16/2009

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 **11/12/2008,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

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

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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2200 IDS CENTER
80 SOUTH 8TH ST
MINNEAPOLIS MN 55402

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DEC 17 2008

In re Application of :
Crutchfield :
Application No. 60/987,950 : ON PETITION
Deposited: November 14, 2007 :
Attorney Docket No. 33438.22 :

This is in response to the "PETITION UNDER 37 C.F.R.§1.17(F) THAT DRAWINGS WERE NOT OMITTED OR NECESSARY UNDER MPEP 608.02 AND REQUEST REFUND OF PETITION FEE" filed February 19, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on November 14, 2007. However, on December 31, 2007, the Office of Patent Application Processing 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. A Notice withdrawing the December 31, 2007 Notice was mailed on February 7, 2008. A Notice of Omitted Items in a Provisional Application according a filing date of November 14, 2007 was also mailed on February 7, 2008. In response, applicants timely filed this petition. Applicant argues an incorporation by reference statement was filed and that drawings were not required for a filing date because the application contained composition claims. Petitioner also requests a refund of the petition fee.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained both composition and at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

To the extent the instant petition requests a filing date of November 14, 2007 with no drawings present in the application, the petition is **GRANTED**.

Petitioner is reminded the priority claim under 37 CFR 1.55 or the benefit claim under 37 CFR 1.78 of the prior-filed application must be present on the filing date of the later-filed application in order for it to be considered an incorporation by reference of the prior-filed application under 37 CFR 1.57(a). The later-filed application claiming benefit of the prior-filed application can be a continuation, divisional, or continuation-in-part application of the prior-filed application. MPEP 201.17(c). An applicant may incorporate by reference the prior application by including, in the *continuation or divisional* application-as-filed, an explicit statement that such specifically enumerated prior application or applications are "hereby incorporated by reference." The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p).

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **Maintaining the filing date of November 14, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.**

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

Charlema Grant
Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Albert W. Whitehead :
Application No. 60/988,190 : DECISION ON PETITION
Filed: November 15, 2007 : TO WITHDRAW
Attorney Docket No. 4150073964 : 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 February 25, 2008.

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 Kirk M. Miles on behalf of all attorneys of record who are associated with customer No. 28289.

All attorneys/agents associated with the Customer Number 28289 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

The request to change the correspondence address of record is usually not accepted unless it 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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: BARBARA E. JOHNSON
ATTORNEY AT LAW
555 GRANT STREET
SUITE 323
PITTSBURGH, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/988,190	11/15/2007	Albert W. Whitehead	4150073964

CONFIRMATION NO. 8078

POWER OF ATTORNEY NOTICE

28289
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Date Mailed: 10/28/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/25/2008.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LAWRENCE BERKELEY NATIONAL LABORATORY
ONE CYCLOTRON ROAD, MAIL STOP 90B
UNIVERSITY OF CALIFORNIA
BERKELEY CA 94720

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APR 21 2008

OFFICE OF PETITIONS

In re Application of :
BISHOP, JAMES K. :
Application No. 60/988,240 : ON PETITION
Filed: November 15, 2007 :
Attorney Docket No. IB2196P :

This is a decision on the petition filed on January 24, 2008, requesting that the Office accord the above-identified provisional application a filing date of November 15, 2007.

On November 15, 2007, applicants deposited the above-identified provisional application without drawings. On December 28, 2007, 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.

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.

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 Notice of Incomplete Provisional Application was sent in error. The above-identified application may be accorded a filing date of November 15, 2007, without any drawings.

Accordingly, the petition is granted to the extent indicated above.

This application is being referred to the Office of Patent Application Processing to accord the application a filing date of November 15, 2007, with "0" sheets of drawings. The drawing sheets submitted on petition 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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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS TX 75201

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Michael Pousti et al. :
Application No. 60/989,006 : DECISION GRANTING PETITION
Filed: November 19, 2007 :
Attorney Docket No. **67175511-002700** :

This is a decision on the petition filed February 4, 2008, under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of November 19, 2007.

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

The application was filed on November 19, 2007, without drawings. Accordingly, on December 3, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and requests that the application be accorded a filing date of November 19, 2007.

Based on petitioners argument, this application will be accorded a filing date of November 19, 2007. 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.

The application will be processed for filing date purposes using the application papers present on November 19, 2007.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred to the Office of Patent Application Processing for processing with a filing date of November 19, 2007, 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

Holland & Bonzagni, P.C.
171 Dwight Road, Suite 302
Longmeadow, MA 01106-1700

COPY MAILED

AUG 15 2008

In re Application of	:	
Emilio Sacristan et al.	:	
Application No. 60/989,333	:	DECISION ON PETITION
Filed: November 20, 2007	:	TO WITHDRAW
Attorney Docket No. 07133P	:	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 15, 2008.

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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Donald S. Holland on behalf of all attorneys of record who are associated with customer No. 27804.

All attorneys/agents associated with the Customer Number 27804 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Emilio Sacristan
1ra cerrada de Flor Silvestre no.
3 casa 1, Col. San pedro Totoltepec
Del Tlapan, Mexico 14400

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
60/989,333	11/20/2007	Emilio Sacristan	07133P

CONFIRMATION NO. 3197

POWER OF ATTORNEY NOTICE

27804
HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW, MA 01106-1700

Date Mailed: 08/15/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/15/2008.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Commissioner for Patents
United States Patent and Trademark Office
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OCT 22 2008

OFFICE OF PETITIONS

GLOBUS MEDICAL INC
ATTN BRIAN MALM
VALLEY FORGE BUSINESS CENTER
2560 GENERAL ARMISTEAD AVENUE
AUDUBON PA 19403

In re Application of :
Frank Guntz :
Application No. 60/989,622 : ON PETITION
Filed: November 21, 2007 :
Attorney Docket No. 0218.092.0001 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 3, 2008.

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

The above application became abandoned for failure to file a reply to the Notice to File Missing Parts of Provisional Application mailed on December 28, 2007. The Notice set an extendable period for reply of two months for applicants to submit a provisional application cover sheet, together with a surcharge for its late filing. No reply having been received, the application became abandoned on February 29, 2008. The Office mailed a Notice of Abandonment on September 11, 2008.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Application Data Sheet, and a late surcharge.

The file is being forwarded to the Office of Patent Application Processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD WILLIS
UNIT 23, SUITE 333
500 FAIRWAY ROAD S.
KITCHENER N2C 1X3 CA

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JAN 07 2009

OFFICE OF PETITIONS

In re Application of :
Richard Willis :
Application No. 60/989,890 : DECISION ON PETITION
Filed: November 23, 2007 :
Attorney Docket No: 140 RW-02-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed December 28, 2007. 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 February 29, 2008. A Notice of Abandonment was mailed September 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a Cover sheet and the $25.00 surcharge fee and the $110.00 Statutory basic filing fee; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition 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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HARNESS, DICKEY & PIERCE
P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY MI 48098

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APR 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Thart Fah Voo : DECISION ON PETITION
Application No. 60/990,758 :
Filed: November 28, 2007 :
Attorney Docket No. MP2300PR :

This is a decision on the PETITION TO ACCORD A FILING DATE IN RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION filed January 9, 2008, requesting that the above-identified application be accorded a filing date of November 28, 2007.

Application papers in the above-identified provisional application were deposited on November 28, 2007. However, on December 10, 2007, the Office mailed a Notice of Incomplete Nonprovisional 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 January 9, 2008, the present petition was filed. Petitioner maintains that a single page specification was submitted on November 28, 2007. Petitioner further asserts that applicant did not identify the submission as a drawing. Accordingly, petitioner maintains the provisional submission identifies a one-page specification. Further, it is noted that the single page specification includes a description that identifies an extra isolation circuit. As such, petitioner submits that the application includes a written description that

meets the requirements of 35 U.S.C. § 112, first paragraph, and thus 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's arguments have been considered. A review of the application as filed reveals it included the page applicant refers to as a single page specification. This page includes a drawing and writing.

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 "single page" containing a drawing and writing deposited on November 28, 2007,

in the instant provisional application, provides an adequate written description to meet the requirements of § 112, first paragraph, and entitle the application to a filing date. 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 a drawing with writing 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 single page containing a drawing and writing 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 provisional application file is being returned to the Office of Patent Application Processing for according of a filing date of November 28, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael Green
302 Cortsen Road
Pleasant Hill CA 94523

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JAN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Michael Green :
Application No. 60/990,786 : ON PETITION
Filed: 11/28/2007 :
Title: ELECTROLYSIS CELL FOR THE :
PRODUCTION OF HYDROGEN :

This is a decision on the petition under 37 CFR 1.137(a), filed October 23, 2008, to revive the above-identified application.[1]

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 31, 2008. 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 April 1, 2008. A Notice of Abandonment was mailed on October 10, 2008.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in § 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to § 1.137(d).

This petition lacks items (1) and (3) above.

[1] Petitioner identified Application No. 11/318,941 in the heading of the present petition. However, upon reviewing the petition it appears that petitioner intended to file the petition to revive in Application No. 60/990,786. Accordingly, the petition and the petition fee have been transferred from Application No. 11/318,941 to Application No. 60/990,786.

Initially, the Office notes that petitioner did not submit a reply to the Notice to File Missing Parts of Nonprovisional Application previously or with the present petition. The Notice to File Missing Parts of Nonprovisional Application indicated that petitioner must pay the statutory basic filing fee (currently $220.00 for a large entity or $110.00 for a small entity) and a $50.00 surcharge for late payment. Thus, the application cannot be revived until petitioner submits a proper reply to the Notice.

The Director 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 be "unavoidable." Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

In the present petition, petitioner did not provide a "showing" of unavoidable delay. In particular, petitioner failed to explain why the events surrounding the delay were unavoidable. Instead, petitioner simply requested the Office "revive the abandonment pending application under 37 CFR1.137(I) on the grounds of UNAVOIDABLE DELAY." *Petition p.1.*

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable, as well as inadvertent. This must include: (1) a satisfactory showing that the cause of the delay resulting in failure to reply in timely fashion to the Office action was unavoidable; and (2) a satisfactory showing that the cause of any delay during the time period between abandonment and filing of the petition to revive was also unavoidable. Specifically, petitioner must provide the Office with a thorough explanation, accompanied by any documentary evidence, to support

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

petitioner's argument that petitioner, or counsel for petitioner, took all action necessary to submit a timely and proper response to the outstanding Notice to File Missing Parts of Nonprovisional Application, but through the intervention of unforeseen circumstances, the reply was not timely received in the USPTO. The Office reminds petitioner that an applicant's preoccupation with other matters that took precedence over an application does not constitute unavoidable delay.[5] Furthermore, delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute "unavoidable" delay.[2] Finally, 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.[7]

As petitioner has not provided 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 was unavoidable, the petition under 37 CFR 1.137(a) 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 1.137(a)." Extensions of time are permitted under 37 CFR 1.136(a).

ALTERNATIVE VENUE

Instead of filing a renewed petition under 37 CFR 1.137(a), petitioner may wish to file a petition pursuant to 37 CFR 1.137(b) on the basis of **unintentional** delay. The appropriate form (PTO/SB/64) accompanies this decision. Petitions under 37 CFR 1.137(b) are less burdensome (statement(s) rather than a showing accompanied by documentary evidence) to file and are evaluated under the less stringent "unintentional delay" standard. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence con concerning the delay is too difficult to obtain or the cause of delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a). Since the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b). The Office usually must render a number of interlocutory decisions dismissing a petition under 37 CFR 1.137(a) and requesting additional evidence until either the applicant provides a satisfactory showing of unavoidable delay (in which case the petition can be granted) or the Office concludes that the applicant cannot provide a satisfactory showing of unavoidable delay (in which case the petition must be denied). Thus, the period between when an applicant first files a petition to revive and the Office renders a decision granting (or denying) that petition will, more often than not, be much

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[5] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982).

[6] See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; 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).

[7] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

longer if the petition is under 37 CFR 1.137(a) than it would have been if the petition were under 37 CFR 1.137(b).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in § 1.17(m) (an additional $1620.00 for a large entity of $810.00 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.

The Office reminds petitioner that if a petitioner under 37 CFR 1.137(a) or (b) is granted, the application will only be revived to the extent that it is pending for a period no longer than twelve months from its filing date. See 35 U.S.C. 111(b)(5).

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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64

PTO/SB/64 (12-08)
Approved for use through 01/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Yeonuk Choi et al. :
Application No. 60/990,805 : ON PETITION
Filed: November 28, 2007 :
Attorney Docket No: **5508-34-PROV** :

This is a decision on "PETITION FOR EXPUNGEMENT OF INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION AND ALTERNATIVELY SUBMITTED IN INCORRECT APPLICATION PURSUANT TO 37 C.F.R. § 1.59(b) (MPEP 724.05(II) AND (III))", filed November 25, 2008.[1]

The petition under 37 C.F.R. § 1.59 is **DISMISSED** as inappropriate.

Petitioner argues that a petition for expedited foreign filing license was filed in the instant application on November 14, 2008 but with it, they inadvertently attached

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[1]The regulations at 37 C.F.R. §1.59 provide:
§1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(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.
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.
[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003; para. (a)(1) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

drawing figures that belong to an unrelated application.

The application was granted a foreign filing license on December 31, 2007 which is almost one year before the date the alleged filing of the expedited request for foreign filing license for this application.

A review of the file does not reveal the filing of a petition for expedited foreign filing license and thus no such drawings filed inadvertently or otherwise are of record. Therefore, relief cannot be granted.

In view thereof and since the instant provisional application has expired, no further action will be taken in this matter.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of :
Brian Patrick Janowski :
Application No. 60/990,809 : ON PETITION
Filed: November 28, 2007 :
Attorney Docket No. 7115/91245 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 29, 2008.

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

The above application became abandoned for failure to file a reply to the Notice to File Missing Parts of Provisional Application mailed on January 2, 2008. The Notice set an extendable period for reply of two months for applicants to submit a provisional application cover sheet, together with a surcharge for its late filing. No reply having been received, the application became abandoned on March 3, 2008. The Office mailed a Notice of Abandonment on September 10, 2008.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Application Data Sheet, and a late surcharge.

The file is being forwarded to the Office of Patent Application Processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

DANIEL JOSEPH PARRELL
920 CROSS STREET
OXFORD MI 48371

In re Application of	:	
Daniel Joseph Parrell	:	
Application No. 60/990,921	:	DECISION ON PETITION
Filed: November 29, 2007	:	
For: INSTANCE-CLASS-ATTRIBUTE MATCHING WEB PAGE RANKING	:	

This is a decision on the request filed July 28, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was filed twice via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (2), (3) and (6) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

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

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

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

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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6039 E. GRANT RD.
TUCSON AZ 85712

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OFFICE OF PETITIONS

In re Application of :
Ramesh Chand Nayak et al. :
Application No. 60/991,594 : DECISION GRANTING PETITION
Filed: November 30, 2007 :
Attorney Docket No. MSDX07.01 PROV :

This is a decision on the petition, under 37 CFR 1.53, filed March 1, 2008, requesting that the above-identified provisional application be accorded a filing date of November 30, 2007.

The petition is **GRANTED**.

The application was filed on November 30, 2007, without drawings. Accordingly, on January 2, 2008, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented, based on Method Claims being present in the application and requests that the application be accorded a filing date of November 30, 2007.

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). The same practice has been followed in composition applications.

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 January 2, 2008, was mailed in error and is hereby withdrawn. The petition fee in the amount of $400.00 will be credited back to the credit card provided with the petition.

The application is accorded a filing date of November 30, 2007, without drawings as a part of the original disclosure.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to August 10, 2005, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

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OFFICE OF PETITIONS

In re Application of :
Jessica L. Bolbach :
Application No. 60/992.604 : DECISION GRANTING PETITION
Filed: December 5, 2007 :
Attorney Docket No. **JES-001PR** :

This is a decision on the petition filed February 13, 2008, requesting that the above-identified provisional application be accorded a filing date of December 5, 2007. The petition is being treated under 37 CFR 1.53.

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

The application was filed on December 5, 2007, without drawings. Accordingly, on January 9, 2008, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and requests that the application be accorded a filing date of December 5, 2007.

Based on petitioners argument, this application will be accorded a filing date of December 5, 2007. 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.

The application will be processed for filing date purposes using the application papers present on December 5, 2007.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred to the Office of Patent Application Processing for processing with a filing date of December 5, 2007, 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
Senior Petitions Attorney
Office of Petitions

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Lambert Intellectual Property Law
Suite 200
10328 - 81 Avenue
Edmonton AB T6E 1X2 CA CANADA

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OFFICE OF PETITIONS

In re Application of :
James Brent Klassen :
Application No. 60/992,920 : ON PETITION
Filed: December 6, 2007 :
Attorney Docket No. 433-9

This is a decision on the petition to withdraw the holding of abandonment filed on May 23, 2008. This is also a decision on the petition under 37 CFR 1.137(b) filed, in the alternative, on May 23, 2008.

The petition to withdraw the holding of abandonment is **DISMISSED AS MOOT**.

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

A review of the application file revealed that a Notice to File Missing Parts of Provisional Application was mailed in this application on January 31, 2008. The notice allowed a shortened period for reply of two months from its mailing date. Extension of the time set for reply was available pursuant to 37 CFR 1.136(a). The notice required a provisional coversheet and surcharge to be filed.

On March 24, 2008, a Revocation of Power of Attorney and Change of Correspondence Address was filed. On April 11, 2008, the Notice to File Missing Parts of Provisional Application was returned to the USPTO as undeliverable. The instant petition was filed on May 23, 2008. Petitioner maintains that the any holding of abandonment should be withdrawn because the information required by the coversheet was present on filing, although a coversheet was not filed. In the alternative, petitioner states that the purported of abandonment of the application was unintentional.

Pursuant to 37 CFR 1.53(c)(1), an application coversheet is a required for all provisional applications. The coversheet can be in the form of an Application Data Sheet (ADS), but, in case, must contain all of the information set forth in 37 CFR 1.51. A review of the application file history did not reveal, on filing, an application coversheet, ADS, or any other document containing the information required by 37 CFR 1.51. Accordingly, the Notice to File Missing Parts of Provisional Application was properly issued.

Notwithstanding, it is noted that the petition under 37 CFR 1.181 and the petition under 37 CFR 1.137(b) are both improper because they have been filed prematurely as the application is not abandoned. The Notice to File Missing Parts of Provisional Application allowed a shortened period for reply of two months from its mailing date with extensions of time available under 37 CFR 1.136(a). The petition was filed during the extendable period, and the response filed May 23, 2008 is considered timely filed as long as it is accompanied by a request for an extension of time within the second month. The fee for the extension of time within the second month is $230.00. This amount will be taken from the $770.00 petition fee paid May 23, 2008, and petitioner will be refunded the remaining amount of $540.00.

The coversheet and surcharge filed May 23, 2008, are noted.

The application file will be directed to the Office of Patent Application Processing for further review.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/993,095	09/07/2007	Les Okrasa	

CONFIRMATION NO. 1208

Cosmic Descenty, LLC
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 07/06/2010

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 **09/07/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS MO 63102-2740

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OFFICE OF PETITIONS

In re Application of	
Miller et al.	
Application Number: 60/993105	DECISION GRANTING PETITION
Filing Date: 9/7/2007	
Attorney Docket Number: 27844-17	

This is a decision in reference to the "PETITION TO CORRECT FILING DATE OF FILED APPLICATION," filed on October 16, 2007, which is treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of September 7, 2007.

The petition is **granted**.

Petitioner asserts that the application was deposited in Express Mail Service on September 7, 2007. In support, petitioner has provided a copy of the Express Mail Customer Label EV679301981US (the same Express Mail number found on the itemized Provisional Application Cover Sheet accompanying the original application papers located in the official file). Although the "date-in" on the Express Mail label is illegible, the Express Mail Customer Label contains an Official USPS postmark dated September 7, 2007.

As such, the showing of record is that the correct date of deposit in Express Mail is September 7, 2007.

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 Patent Application Processing for processing with a filing date of **September 7, 2007**, 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

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

PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS MO 63102-2740

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In re Application of	:	
Kemper, et al.	:	
Application No. 60/993,106	:	DECISION GRANTING
Filed: September 7, 2007	:	PETITION
Attorney Docket No. 27844-18	:	

This is a decision on the petition, filed October 16, 2007, requesting that the above-identified application be accorded a filing date of September 7, 2007, rather than the presently accorded date of September 10, 2007. 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 September 7, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV679301978US (the same Express Mail number found on the original application papers located in the official file) showing a USPS stamp date of September 7, 2007.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" or other official USPS notation to be the date of deposit with the USPS. *See*, MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on September 7, 2007.

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 **September 7, 2007** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3205. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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OFFICE OF PETITIONS

In re Application of :
Xiaogen Su et al :
Application No. 60/993,451 : DECISION GRANTING
Filed: September 11, 2007 : PETITION
Attorney Docket No. 0315-000637/PS1 :

This is a decision on the petition, filed October 3, 2007 and supplemented on August 12, 2008, requesting that the above-identified application be accorded a filing date of September 11, 2007, rather than the presently accorded date of September 12, 2007. 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 September 11, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV755419238US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of September 11, 2007.

The Office considers the date the paper of 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 September 11, 2007.

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

This application file is being referred to the Office of Patent Application Processing for **correction of the filing date to September 11, 2007 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Irvin Dingle at (571) 272-3210. Telephone inquiries related to Office of Patent Application Processing should be directed to their hotline at (571) 272-4000.

Sherry Brinkley
Petitions Examiner
Office of Petitions

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P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

In re Application of :
Xiaogen Su et al :
Application No. 60/993,452 : DECISION GRANTING
Filed: September 11, 2007 : PETITION
Attorney Docket No. 0315-000663/PS1 :

This is a decision on the petition, filed October 3, 2007 and supplemented on August 12, 2008, requesting that the above-identified application be accorded a filing date of September 11, 2007, rather than the presently accorded date of September 12, 2007. 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 September 11, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV755419238US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of September 11, 2007.

The Office considers the date the paper of 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 September 11, 2007.

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

This application file is being referred to the Office of Patent Application Processing for **correction of the filing date to September 11, 2007 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Irvin Dingle at (571) 272-3210. Telephone inquiries related to Office of Patent Application Processing should be directed to their hotline at (571) 272-4000.

Sherry Brinkley
Petitions Examiner
Office of Petitions

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P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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OFFICE OF PETITIONS

In re Application of :
Chris Stover :
Application No. 60/993,453 : DECISION GRANTING
Filed: September 11, 2007 : PETITION
Attorney Docket No. 0315-000668/PS1 :

This is a decision on the petition, filed October 3, 2007, requesting that the above-identified application be accorded a filing date of September 11, 2007, rather than the presently accorded date of September 12, 2007. 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 September 11, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV 755419238 US (the same Express Mail number found on the original application papers located in the official file) showing a "date-in" of September 11, 2007.

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 September 11, 2007.

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

This application file is being referred to the Office of Patent Examination Processing (OIPE) for **correction of the filing date to September 11, 2007 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed Irvin Dingle at (571) 272-3210. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

David Bucci
Petition Examiner
Office of Petitions

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Xiaogen Su	:	
Application No. 60/993,464	:	DECISION GRANTING
Filed: September 11, 2007	:	PETITION
Attorney Docket No.	:	
0315-000665/PS1		

This is a decision on the petition, filed October 3, 2007 and supplemented on November 28, 2007, requesting that the above-identified application be accorded a filing date of September 11, 2007, rather than the presently accorded date of September 12, 2007. 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 September 11, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV755419238US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of September 11, 2007.

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 September 11, 2007.

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 **September 11, 2007** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3218. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of :
Xiaogen Su :
Application No. 60/993,465 : DECISION GRANTING
Filed: September 11, 2007 : PETITION
Attorney Docket No. :
0315-000664/PS1

This is a decision on the petition, filed October 3, 2007 and supplemented on November 28, 2007, requesting that the above-identified application be accorded a filing date of September 11, 2007, rather than the presently accorded date of September 12, 2007. 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 September 11, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV755419238US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of September 11, 2007.

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 September 11, 2007.

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

A Corrected Filing Receipt has been mailed under separate cover.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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AUSTIN TX 78759

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AUG 2 8 2008

In re Application of :
Elizabeth McCaul et al. :
Application No. 60/993,625 : ON PETITION
Filed: September 13, 2007 :
Attorney Docket No. PROM003USP :

This is a decision on the petition filed October 29, 2007, requesting that the above-identified application be accorded a filing date of September 13, 2007, in response to the Notice of Omitted Items mailed September 27, 2007. The petition is treated under 37 CFR 1.182.

The petition is **DISMISSED**.

On September 13, 2007, the application was filed. On September 27, 2007, 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 September 13, 2007, but that Figures 31-35 described in the specification appeared to have been omitted.

In response, petitioner submits five (5) sheets of drawings, purportedly Figures 31-35. However, petitioner neither admits nor denies that the drawings filed with the application included Figures 31-35 and as such it appears that petitioner is seeking to have Figures 31-35 added to the drawings filed upon application.

As Figures 31-35 have not been located among the drawings filed with the application, and since this was all due to applicant's filing error, the Notice of Omitted Items correctly stated that Figures 31-35 appeared to have been omitted.

Petitioners are advised that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[1] As such, if petitioners desire to have Figures 31-35 considered as part

[1] MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

of the application, petitioners should simply file a new completed provisional application, including Figures 31-35.

In view of the above, the petition fee is non-refundable.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of September 13, 2007, using the application papers filed on that date. The drawings filed with the petition will not be used and will not be added to the drawings filed with the application on September 13, 2007.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Milburn et al. :
Application No. 60/993888 : ON PETITION
Filing or 371(c) Date: 09/17/2007 :
Title of Invention: AUTOMATED :
SYSTEM AND METHOD FOR :
CREATING COLLAGES OF :
IMAGES, VIDEO AND TEXT :

This Decision is in response to the Petition under 37 CFR 1.53(e), filed May 22, 2008, requesting the application be accorded a filing date of September 17, 2007.

The petition is granted.

Application papers in the above-identified were filed on September 17, 2007. On April 4, and April 8, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the specification was missing.

Applicant files the present petition and submits that the application is entitled to a filing date of September 17, 2007, and in support of this assertion files a Declaration of Thomas Hajdu, the second named inventor of the present application; a copy of a receipt from the United States Postal Service ("USPS"), dated September 14, 2007, indicating that a certified mailing was paid for on that date; a copy of a certified mail receipt addressed to the Commissioner for Patents and date-stamped by the USPS September 2007; a copy of a track and confirm showing that an item was accepted at the Santa Barbara CA branch of the USPS on September 14, 2007; a copy of the application putatively filed on September 17, 2007; a copy of an account statement from Wells Fargo Bank for petitioner herein which shows that a check in the amount of $100.00 cleared the account on September 20, 2007, and a copy of a check made out to the Director of Patents in the amount of $100.00 dated September 13, 2007.

Applicant is advised that the best evidence of what was filed in this Office on September 17, 2007, is Applicant's postcard receipt. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Regarding Applicant's evidence, the Declaration of Thomas Hajdu, is inventor Hajdu's recollection of events that occurred more than seven months ago, and is not more persuasive than the USPTO file. As for the filing of the application via certified mail, there is no provision in Office rules for according a filing date based upon certified mail. See, 37 CFR §§ 1.6, 1.10. Regarding the $100.00, the Office received the $100.00 provisional application filing fee on September 17, 2007.

Applicant is further advised that the USPTO file is the official record of the papers actually received or filed. A review of Office records reveals that this Office placed a USPTO date-stamp on Applicant's Provisional Application for Patent Cover Sheet, thereby acknowledging receipt of the items listed thereon. A further review of the Cover Sheet reveals that Applicant listed as enclosed four (4) pages of specification, two (2) sheets of drawings and one (1) sheet of tables.

Accordingly, the petition is granted.

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

A refund of the petition fee has been scheduled via Treasury Check..

The copy of four (4) pages of specification, two (2) sheets of drawings and one (1) sheet of tables filed with the present petition, will be used for examination purposes.

This application is being forwarded to the Office of Patent Application Processing, Customer Corrections, for further processing, with the filing date of September 17, 2007, and an indication that four (4) pages of specification, two (2) sheets of drawings and one (1) sheet of tables, were present on September 17, 2007, using four (4) pages of specification, two (2) sheets of drawings and one (1) sheet of tables, filed with the present 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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In re Application of :
Devalapura, et al. :
Application No. 60/994,047 : ON PETITION
Filed: September 17, 2007 :
Attorney Docket No. 25992A :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed September 18, 2008.[1]

The petition under 37 CFR 1.137(a) 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 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

Provisional application No. 60/994,047 was filed on September 17, 2007. As such, a nonprovisional application claiming priority to the provisional application needed to have been filed within 12 months of the filing date of the provisional application - on or before September 17, 2008. As no nonprovisional application was filed by that date, the provisional application became abandoned by operation of law on September 18, 2008.

[1] The petition was filed with the nonprovisional application that was assigned application No. 12/233,134. However, as the petition properly belongs in provisional application No. 60/994,047, the petition has been removed from the nonprovisional application and placed into the provisional.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section. The instant petition lacks item (3), the petition fee.

35 U.S.C. 119(e) states:

> An application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed **not later than 12 months after the date on which the provisional application was filed** and if it contains or is amended to contain a specific reference to the provisional application. No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director (emphasis added).

As this is a statutory requirement, it is not subject to waiver.

Furthermore, 35 U.S.C. 111(b)(5) states that a provisional application may be treated as a nonprovisional application upon request by the applicant, but that if such request is not made within 12 months of the filing date of the provisional application, the provisional application will be regarded as abandoned, and shall not be subject to revival.

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

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OFFICE OF PETITIONS

In re Application of	:	
Tew et al.	:	
Application No. 60/994550	:	
Filing or 371(c) Date: 09/20/2007	:	
Attorney Docket Number:	:	DECISION
10148	:	ON PETITION

This is a decision on the "Petition for Corrected Filing Date Under 37 C.F.R. §1.10(c)," filed August 19, 2008.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on May 7, 2007. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV959806003US. A review of the Express Mail label, No. EV959806003US, reveals that the label contains a United States Post Office date stamp dated September 20, 2007. The same Express Mail label number was placed on the original application papers located in the official file.

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

The application is being referred to the Office of Patent Application Processing for correction of the filing date to September 20, 2007, 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/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Michael MCELROY, et al :
Application No. 60/994,758 : DECISION ON PETITION
Filed: September 20, 2007 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 5, 2008, 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 October 4, 2007. 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 December 5, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a provisional application cover sheet and supplemental fees; (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

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

/Thurman K Page/
Thurman Page
Petitions Examiner
Office of Petitions

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NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Application of :
Mercer, et al. :
Application No. 60/994,769 : DECISION GRANTING PETITION
Filed: September 20, 2007 :
Attorney Docket No. 21882-534 PRO3 :

This is a decision on the petition filed October 23, 2007, requesting that the above-identified application retain the presently accorded a filing date of September 20, 2007, with Figure 4, as part of the original disclosure.

On September 20, 2007, the above-identified application was filed. On October 9, 2007, 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 September 20, 2007, however, Figure 4, 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, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, 6 sheets of drawings were received on September 20, 2007.

Upon review of the record, Figure 4 has not been located among the application papers. However, the evidence is convincing that the application papers deposited September 20, 2007, Figure 4, which was subsequently misplaced by the Office. Therefore, the application, including Figure 4, was complete on filing and entitled to the presently accorded filing date of September 20, 2007.

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 September 20, 2007, including Figure 4.

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

In re Application of :
Ly, et. al. :
Application No. 60/995,387 : DECISION ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. 011582-0029-888 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed October 22, 2007. 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 December 23, 2007.

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 Application Cover Sheet with the $50 surcharge, (2) the petition fee of $1540, and (3) an adequate statement of unintentional delay.

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 37CFR 1/137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Andrea Smith
Petitions Examiner
Office of Petitions

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JAN 25 2008

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In re Application of	:	
Gill, et al.	:	
Application No. 60/995,529	:	DECISION ON PETITION
Filed: September 26, 2007	:	
Attorney Docket No. 30-59	:	

This is a decision on the "PETITION UNDER 37 C.F.R. §§ 1.181 1.10, 1.53(e)", filed December 26, 2007, to accord the application a filing date of September 26, 2007 with Figures 3 & 4D of the drawings as part of the original disclosure.

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

Application papers in the above-identified application were filed on September 26, 2007. However, on October 22, 2007, 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, Figures 3 & 4D of the drawings appeared to have been omitted.

A review of the file reveals that pages 8 and 10 of the specification has a drawing labeled Figure 4D & 3, respectively, interspersed with the text.

As the Notice was correct in stating that Figures 3 & 4D appeared to have been omitted (as no drawing sheets containing Figures 3 & 4D is found in the file), the petition fee will not be refunded.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of September 26, 2007, using the application papers received in the Office on that date and for indication that 7 sheets of drawings were 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

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OFFICE OF PETITIONS

In re Application of :
Cojocaru, et al. :
Application No. 60/996,163 :
Filed: November 5, 2007 :
Attorney Docket No. 28806P :

DECISION GRANTING PETITION

This is a decision on the petition filed January 25, 2008, to accord the above-identified application a filing date.

On November 5, 2007, the application was deposited.

On December 26, 2007, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded the application. The Notice further indicated that the filing date would be the date of receipt of the drawings.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that there are several method claims made in the instant provisional application. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

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

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

The application is being forwarded to the Office of Patent Application Processing with a filing date of November 5, 2007, including only those papers received on that date. **A filing receipt should be issued reflecting the application filing date of November 5, 2007.**

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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In re Application of :
Cojocaru, et al. :
Application No. 60/996,164 : ON PETITION
Filed: November 5, 2007 :
Attorney Docket No.: 28805P :

This is a decision on the petition under 37 CFR 1.182, filed January 25, 2008, requesting that the above-identified application retain the presently accorded filing date with one sheet of drawings included among the original disclosure.

The petition is **dismissed**.

On November 5, 2007, the above-identified application was filed, and the application was accorded a filing date of November 5, 2007. On January 25, 2008, applicant filed the present petition. Applicant concedes that the drawing sheet was omitted, but requests that the application retain a filing date of November 5, 2007, with the drawing sheet included a part of the original disclosure.

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.

Although the instant petition does not expressly state that the provisional application should be amended to include the drawings sheet filed January 25, 2008, it is evident that the petitioner's intention is to amend the application to include the drawing and retain the original filing date. The above-cited sections of the MPEP indicate that this is not possible. The amendment proposed by petitioner is not necessary to obtain a filing date as one has already been accorded and, as indicated by section 601.01(d) of the MPEP,

where a petition under 37 CFR 1.182 is not grantable, a new and completed provisional application should be filed[1].

The petition is dismissed, accordingly. The instant provisional application will retain the filing date of November 5, 2007, with only those papers filed on that date.

The petition fee will not be refunded as the filing of the instant petition was not necessitated by any error of the USPTO.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] It is noted that the provisional application contains several method claims. It is, therefore, likely that the application would be entitled to a filing date of November 5, 2007, notwithstanding the omission from the original disclosure of the drawings. See MPEP 601.01(f)

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Paper No.

Jacques A. Suzanne
4128 Sailfish Dr SE
St. Petersburg FL 33705

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JAN 29 2010

In re Application of :
Jacques Anthony Suzanne : DECISION ON PETITION
Application No. 60/996,362 :
Filed: November 14, 2007 :
Title: VELOCIJET - DEVICE FOR:
REDUCING DRAG AND TURBULENCE :
OF VEHICLES :

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)" filed October 10, 2008.

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 1.137(a)" or "Renewed Petition under 37 CFR 1.137(b)," as appropriate. Extensions of time under § 1.136(a) are permitted.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed December 11, 2007. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). The reply, $5 due for full payment of the statutory basic provisional filing fee and $25 due for the late surcharge, was submitted on July 31, 2008. However, with payment of the extension of time fee, the latest a reply could be timely filed is July 11, 2008. No timely reply received and no extension of time obtained, the application became abandoned at the end of the two-month period for reply, effective February 12, 2008. A courtesy Notice of Abandonment was mailed on August 22, 2008.

In response, applicant filed the instant petition, requesting revival based on unavoidable delay. The petition included the petition fee for revival pursuant to 37 CFR 1.137(a). Applicant maintains that the entire delay in filing the required reply from the due date of the reply, February 11, 2008, until the filing of a grantable petition was unavoidable. Sole inventor Jacques Suzanne attributes the delay to being scheduled for heart surgery on September 5, 2008 and anticipating and preparing for that procedure for some time. In addition, inventor Suzanne says this may be an explanation for my inattention to detail. Further, inventor Suzanne maintains that my medical condition notwithstanding, this follows precedent for the finding of "unavoidable delay" per case law citations: *Burand[t] v. Dudas*, 496 F. Supp. 2d 643 (E.D. Va 2007); *Ray v. Lehman*, 55 F. 3d 606 (Fed. Cir. 1995). It is noted that the petition does not include any medical evidence of any incapacitation.

35 U.S.C. 133 provides that:

> Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

Pursuant to 37 CFR 1.137, 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.

A grantable petition to revive an unavoidably abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to § 1.137(d).

The instant petition includes the required reply in the form of payment of the $5 deficiency in payment of the filing fee and payment of the petition fee. No terminal disclaimer is required. However, the petition does not satisfy requirement (3) above. Petitioner has not met his burden of establishing that the delay in filing a reply to the Notice to File Missing Parts of Application was unavoidable within the meaning of § 1.137(a).

The burden of showing the cause of the delay is on the person seeking to revive the application. *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. 977, 982 (D.C. Cir. 1982). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the "reasonably prudent person standard" in determining if the delay was unavoidable:

> The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 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, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." *Haines*, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

The precedent, cited by applicant, supports the undisputed conclusion that in determining whether a delay was unavoidable,

one looks to whether the party, in this instance responsible for responding to the Notice to File Missing Parts, exercised the due care of a reasonably prudent person.

Thus, the focus is on inventor Suzanne's action or inaction. The question becomes whether inventor Suzanne's failure to respond to the Notice to File Missing Parts, due to pending heart surgery and consequent inattention to detail as alleged, constitutes unavoidable delay. A showing of "unavoidable" delay based upon medical incapacitation must establish that inventor Suzanne experienced continued incapacitation of such a nature and degree as to render him unable to conduct business (e.g., correspond with the Office) at times relevant to filing a response to the Notice mailed December 11, 2007 and at times relevant to filing a petition to revive. Such a showing must be supported by a statement from a treating physician, and such statement must provide the nature and degree of his incapacitation during this above-mentioned period. The burden of proof, as well as of production, is on petitioner. Applicant's statement regarding his health is not sufficient.

The statement from the treating physician need not make of record the specificities of the inventor Suzanne's diagnosis or treatment. Petitioner is cautioned in submitting personal medical information into the record of this application as the record may become public. Petitioner may protect confidentiality and identity by redacting information as appropriate. What is necessary is that the statement is sufficient to support a conclusion that inventor Suzanne was unable to timely respond to the Notice due to medical incapacitation.

However, with respect to a showing of unavoidable delay, it will be heavily considered that the heart surgery occurred in September of 2008 whereas the response was due in February of 2008. Further, it will be weighed that the extent of the response necessary from applicant was payment of a $5 fee. In other words, on such facts, it would be hard for applicant to met his burden of establishing that the failure to pay a $5 fee was unavoidable.

Thus, the petition cannot be granted as petitioner has not met his burden of showing that the entire delay from the due date for the reply to the filing of a grantable petition was unavoidable.

While the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a request for reconsideration pursuant to 37 CFR 1.137(b) on the basis of unintentional delay.

Petitioner should not delay filing a request for reconsideration as petitioner continues to bear the burden of establishing that the entire delay, including the delay from the due date for the reply until the filing of a grantable petition, was unavoidable or unintentional.

Applicant is reminded that, even if this provisional is revived, it will not be pending beyond 12 months from the filing date of the provisional application. It is permissible to file a petition for revival later than 12 months from the filing date of the provisional application but only to revive the application for the 12-month period following the filing of the provisional application.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

DIEDERIKS & WHITELAW, PLC
12471 DILLINGHAM SQUARE, #301
WOODBRIDGE VA 22192

COPY MAILED

MAY 27 2008

In re Application of :
Zamfes :
Application No. 60/996,517 : ON PETITION
Filed: November 21, 2007 :
Attorney Docket No. BLG016 :
For: METHOD AND APPARATUS FOR MEASUREMENT OF FORMATION FLUID LOSS

This is a decision on the petition, filed January 18, 2008 requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed January 3, 2008. 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 November 21, 2007. On January 3, 2008, the Office of Initial Patent Examination mailed a Notice informing petitioner that Figure 1 was missing from the application filed on November 21, 2007.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the enclosed copy of Figure 1 be accorded a filing date of November 21, 2007 on the basis that the original was included with the provisional patent application papers filed on November 21, 2007.

The petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing November 21, 2007 as the date of receipt. The postcard lists that the filing included, *inter alia*, 3 sheets of drawings. A review of the application file reveals that there are 2 sheets of drawings present.

The return postcard constitutes *prima facie* evidence that 3 sheets of drawings, including missing Figure 1, were filed on November 21, 2007. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, the $400.00 fee submitted with the instant petition will be credited to deposit account no. 04-1075.

The application is being returned to Office of Patent Application Processing for further pre-examination processing, with a filing date of **November 21, 2007**, using the copy of Figure 1 supplied with the petition.

Office records will be changed to show that 3 sheets of drawings were filed on November 21, 2007.

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

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

Richard D. Neff
103 Woodward Avenue
Springville NY 14141

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DEC 0 8 2008

In re Application of :
Neff :
Application No. 60/997,015 : DECISION ON PETITION
Filed: October 1, 2007 :
Title: R.O.U.T. Grenade :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2008, 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 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 $1620. 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. No consideration on the merits can be given to the petition until the required fee is received.

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

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

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

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

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

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

Richard D. Neff
103 Woodward Avenue
Springville NY 14141

MAILED

JUN 12 2009

OFFICE OF PETITIONS

In re Application of :
Neff :
Application No. 60/997,016 : DECISION ON PETITION
Filed: October 1, 2007 :
Title: Rocket Arrow Bullet Ignite :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2008, 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 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 $1620. 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. No consideration on the merits can be given to the petition until the required fee is received.

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

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

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

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

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

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

ROBERT A. VAN WYK
P.O. BOX 66155
ST. PETE BEACH, FL 33736

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SEP 23 2008

In re Application of
Carmel et al.
Application No. 60/997,068
Filed: October 1, 2007
Title: Electrosurgical Instrument With Floating-Potential Elements for Treatment of Tissue and Method of Using Same

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 25, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application, mailed November 9, 2007, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 10, 2008. A Notice of Abandonment was mailed July 15, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks of the above item (2).

With regards to item (2), 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 $1,540.00. Effective October 2, 2008, the petition fee will increase to $1620.00. 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.

Additionally, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required

statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

The instant petition was only signed by one of the three listed inventors. A renewed petition with the signatures of all three inventors 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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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BRACKETRON, INC.
5249 WEST 73RD STREET
EDINA, MN 55439

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NOV 0 3 2008

OFFICE OF PETITIONS

In re Application of
Gerardo A. DeCuffa, et al.
Application No. 60/997,133
Filed: October 1, 2007
Attorney Docket No. None

ON PETITION

This is a decision in response to the petition, filed July 23, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED** because it is unsigned. The petition is signed by one of the three joint inventors.

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

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

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a

grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

Therefore, as the petition containing the statement of unintentional delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Gerardo Anthony DeCuffa) was ever given a power of attorney to act on behalf of the other inventors, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 1.373(b), the petition is considered to not contain a proper statement of unintentional delay.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and include a ratification of the unsigned petition.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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
By Internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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1 www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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THELEN REID BROWN RAYSMAN & STEINER LLP
PO BOX 640640
SAN JOSE CA 95164-0640

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of :
Palefsky et al. :
Application No. 60/997166 : ON PETITION
Application Received: 09/30/2007 :
Attorney Docket Number: :
606319-003107 :

This Decision is in response to the correspondence entitled "Correction of Filing Receipt," filed April 16, 2008. The correspondence requests correction of the application filing date to September 30, 2007. The correspondence is properly treated as a petition under 37 C.F.R. § 1.10(c).

The petition is **granted**.

Petitioner alleges that the application was deposited in Express Mail service on September 30, 2007. In support of this assertion, petitioner files a copy of Express Mail label No. ET699515178US. A review of the copy of copy of Express Mail label No. ET699515178US, reveals that the "Date In" indicated on the Express Mail label is illegible. However, the Express Mail Label contains a stamp of the United States Post Office ("USPS") dated September 30, 2007. The same Express Mail label number was placed on the original application papers located in the official file.

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

Office records reveal that the application has been accorded a filing date of September 30, 2007, and that a corrected Filing Receipt, indicating the filing date of the application as September 30, 2007, was mailed on January 23, 2008.

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

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being

mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: McDERMOTT WILL & EMERY
4370 LaJOLLA VILLAGE DRIVE, STE. 700
SAN DIEGO, CA 92122

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

TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

In re Application of
Lugo, et al.
Application No. 60/997,205
Filed: October 2, 2007
Attorney Docket No. JP273-PROV
For: REMOTELY CONTROLLED VEHICLE WITH A TRACK MECHANISM AND INDEPENDENTLY OPERATED WHEELS

ON PETITION

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DEC 0 5 2008

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed October 2, 2008 (certificate of mailing date September 26, 2008), to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed December 4, 2007, 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 February 5, 2008. A Notice of Abandonment was mailed on August 12, 2008.

Applicants have submitted a proper reply to the December 4, 2007 Notice in the form of $10.00 towards the basic filing fee and a $50.00 surcharge, a proper statement of the unintentional nature of the delay in responding to the December 4, 2007 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

The terminal disclaimer filed with the present petition is unnecessary, but will be retained in the application file. The $130.00 statutory disclaimer fee will be refunded to petitioners' credit card.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing 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

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

Maria D Dias
Lisa M Dias
11 Prospect Street
Ludlow MA 01056

COPY MAILED
DEC 15 2008

In re Application of :
Dias and Dias :
Application No. 60/997,241 : DECISION ON PETITION
Filed: 10/03/2007 :
Title: FITTED SHEET FOR DOG BED :

This is a decision on the petition under 37 CFR 1.137(a), filed on July 28, 2008, to revive the above-identified application, which is first being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is dismissed.

The petition under 37 CFR 1.137(a) is dismissed.

On October 22, 2007, the Office mailed a Notice to File Missing Parts of Provisional Application, which set a two-month extendable period to submit the balance due for the basic filing fee and a $25.00 surcharge. In the absence of a timely filed reply, the application was held abandoned on December 23, 2007. The Office mailed a Notice of Abandonment on June 30, 2008.

In the present petition, petitioners asserted that the delay in filing a response to the Notice to File Missing Parts of Provisional Application was unavoidable because they did not receive the Notice.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

As to petitioners' argument of non-receipt of the Notice, a review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Provisional Application and in the

absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record.

As petitioners are pro-se applicants, the Office understands that petitioners may not keep a formal docket record system for their correspondence. Nevertheless, petitioners must provide some sort of showing explaining the manner in which petitioners receive mail from the USPTO, maintain files for patent matters, and treat mail received for such matters. Specifically, petitioners must explain their system for keeping track of patent matters - where petitioners keep the correspondence; where they write the due dates; how they know replies are due, etc. In essence, petitioners must explain how they remind themselves of response due dates and show that the due date for the Notice to File Missing Parts of Provisional Application of October 22, 2007, was not entered into that system. Petitioners should include any available documentary evidence of any type of log showing correspondence mailed to and received from the USPTO, covering a period of two months from the mailing date of the Notice to File Missing Parts of Provisional Application of October 22, 2007, to demonstrate non-receipt of that Notice.

Petitioners 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 an Office communication, and where petitioners would have entered the receipt date of the Office communication had petitioners received it (for example, a copy of the outside of a file or a calendar maintained by petitioners), if these documents are available. Petitioners must include statements from petitioners and any other person at the address of record who may have handled the Notice to File Missing Parts of Provisional Application, indicating that a search was conducted of the location where correspondence from the USPTO is kept; however, the Notice was not found. Lastly, petitioners must state that they were receiving other correspondence at the address of record (i.e., the address of record was current) for a reasonable time when they would have received the Notice to File Missing Parts of Provisional Application.

In the present petition, petitioners did not submit sufficient documentary evidence, such as statements from all persons who handling incoming USPTO correspondence at the correspondence address or a detailed explanation of petitioners' method for tracking due dates for filing responses to communications from the USPTO to show they did not receive the Notice to File Missing Parts of Provisional Application. The Office reminds petitioners that the burden is on the petitioner to establish non-receipt of a USPTO communication. Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

PETITION UNDER 37 CFR 1.137(a)

The petition under 37 CFR 1.137(a) will not be treated on its merits, but rather will remain in the file until the United States Patent and Trademark Office (Office) receives a "renewed" petition under 37 CFR 1.137(a), a complete reply to the Notice to File Missing Parts of Provisional Application, and the requisite petition fee. **The Office notes that the current basic filing fee is $110.00.[1] Therefore, petitioners must pay the balance due of $10.00 and a $25.00 surcharge in response to the Notice to File Missing Parts of Provisional Application.**

[1] Petitioners must pay the fee in effect at the time of payment.

A review of the records indicates that petitioners submitted an incomplete credit card form for the balance of the basic filing fee and surcharge. Thus, the Office was unable to charge these fees as requested by petitioners.[2] Additionally, petitioners did not pay the petition fee.

The Office notes:

> 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.
>
> In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) **will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.**

MPEP 711.03(c)(III)(B) (emphasis added).

Accordingly, the Office lacks the discretion to, and will not, address the merits of any petition seeking revival of an abandoned application in the absence of the payment of the petition fee required by statute. Accordingly, the petition under 37 CFR 1.137(a) is dismissed.

However, as petitioners are acting in a pro se capacity, the Office reminds petitioners that a grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) The required reply to the outstanding Notice to File Missing Parts of Provisional Application (the balance of $10.00 for the current basic filing fee and a $25.00 surcharge);
>
> (2) The petition fee as set forth in 37 CFR 1.17(l) (currently $270.00); and,

[2] The record shows that the Office attempted to contact petitioners by leaving a message on their voice mail to inform them of the Office's inability to charge the requested fees; however, no response was received by petitioners.

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.[3]

Petitioners lack items (1), (2) and (3) above.

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

In the alternative, petitioners may wish to file a petition for revival of an application of patent abandoned unintentionally under 37 CFR 1.137(b).[4] The appropriate form is enclosed for petitioners' convenience.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The required reply to the outstanding Notice to File Missing Parts of Provisional Application (the balance of $10.00 for the current basic filing fee and a $25.00 surcharge)

(2) The petition fee as set forth in 37 CFR 1.17(m) (currently $810.00); and,

---

[3] The Director 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 be "unavoidable." 35 U.S.C. § 133. Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[4] Since the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b).

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

Lastly, the Office reminds petitioners that "it is permissible to file a petition for revival of the application 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." MPEP 711.03(c)(II)(H)(I). "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." Id. In other words, petitioners may revive the application for the period from December 23, 2007, the date of abandonment, until October 3, 2008, the date the provisional application became abandoned by law. Therefore, the application cannot be revived for a period beyond October 3, 2008.

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

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

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

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

Correspondence may also be submitted via the electronic filing system (EFS-Web) of the USPTO.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Form for Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(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

Kent J. Trembly
P.O. Box 166
Ithaca NE 68033

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Randall Wobig :
Application No. 60/997,251 : DECISION ON PETITION
Filed: October 2, 2007 :
For: Vibe Plate Vibrating Device For Assisting :
Exercise Routines and Sports Performance
Enhancement

This is a decision on the petition, filed October 6, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application, which was mailed on November 14, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on January 14, 2008. A Notice of Abandonment was mailed on July 21, 2008.

Petitioner asserts that the Notice to File Missing Parts dated November 14, 2007 was not received. Petitioner states he believes that the Notice was not received because his first name was not correctly entered into the correspondence address. Petitioner's name was entered as "Rent J. Trembly" versus "Kent J. Trembly", the rest of the address was correct.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question.

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. Items (1) and (3) have not been satisfied.

As to item (1), petitioner needs describe the docketing system and establish it was sufficiently reliable.

As to item (3), petitioner has failed to provide a master docket. Nor has petitioner stated that a master docket does not exist. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three- month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP 711.03(c).

Accordingly, absent the required evidence to establish nonreceipt of the Notice to File Missing Parts of November 11, 2007, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620.00 petition fee.

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

By Mail: Mail Stop PETITION

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

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

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

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

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

Jinchun Xie
3992 Lonesome Pine Rd.
Redwood City, CA 94061

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NOV 1 8 2008

In re Application of	:	
Jinchun Xie	:	
Application No. 60/997,253	:	DECISION ON PETITION
Filing Date: October 01, 2007	:	
Attorney Docket No. JCXIE-02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 01, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed October 22, 2007. 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 December 23, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required filing fee of $5 and surcharge of $65, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

This application is being referred to OIPE for appropriate action by the Examiner in the normal course of business on the reply received.

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

Jinchun Xie
3992 Lonesome Pine Rd.
Redwood City, CA 94061

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In re Application of	:	
Jinchun Xie	:	
Application No. 60/997,254	:	DECISION ON PETITION
Filing Date: October 01, 2007	:	
Attorney Docket No. JCXIE-01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 01, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed October 22, 2007. 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 December 23, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required filing fee of $5 and surcharge of $65, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

This application is being referred to OIPE for appropriate action by the Examiner in the normal course of business on the reply received.

David Bucci
Petitions Examiner
Office of Petitions

yUNITED 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.

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

COPY MAILED
OCT 27 2008

In re Application of	:	
Ronald Wayne Long	:	
Application No. 60/997,274	:	DECISION ON PETITION
Filed: October 1, 2007	:	PURSUANT TO
Attorney Docket No.: 4546.001	:	37 C.F.R. § 1.137(a)
Title: STEERING WHEEL TABLE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on October 2, 2008, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

The concurrently filed Power of Attorney and Correspondence Address Indication form has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed November 26, 2007, 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 January 27, 2008. A notice of abandonment was mailed on August 6, 2008.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office

action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Analysis

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted, *inter alia*, an amendment, the petition fee, and a statement of facts. As such, Petitioner has met requirement (2) of Rule 1.137(a). The fourth requirement is not applicable, as a terminal disclaimer is not required.

Regarding the first requirement of Rule 1.137(a), the requirement has not been satisfied. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.[1] In order for the application to be revived, petitioner must submit a reply that satisfies 37 C.F.R. § 1.137(a)(1) (*i.e.*, a replacement compact disc). Petitioner has submitted an amendment to the specification, in an attempt to obviate the need to provide a replacement compact disc that was set forth in the notice of November 26, 2007. However, this amendment cannot be entered: **Petitioner is reminded that provisional applications cannot be amended.**[2]

Regarding the third requirement of Rule 1.137(a), Applicant has alleged that the notice was not received.[3, 4] However, the record

1 See M.P.E.P. § 711.03(c).
2 See 37 C.F.R. § 1.53(c). See also M.P.E.P. § 601.01(b).
3 See statement of Mr. Long.

does not support a finding that the entire period of delay was unavoidable.

First, Applicant has not included a statement **describing the docketing system** that he has in place and establishing that it is **sufficiently reliable.**

Second, Applicant has not indicated that a **search of his records, including any file jacket or the equivalent, and the application contents,** indicates that the Office action was not received.

Third, Applicant has not provided a **copy of the records** he uses where the non-received Office action would have been entered had it been received.

Finally, Applicant has not either provided a copy of his **master docket,** as described above, or indicated that no such master docket exists and provided the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Moreover, Applicant has requested the waiver of the petition fee.[5] The petition fee of $270 cannot be refunded, as the rules and statutory provisions governing the operations of the US Patent and Trademark Office require payment of a fee on filing each petition.[6]

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may file a petition pursuant to 37 C.F.R. § 1.137(b).

Petitioner will note that a third option is to concurrently file both a renewed petition pursuant to Rule 1.137(a) and a petition

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4 Petitioner has inquired "[h]ow do you prove you did not receive something?" The method by which applicant may establish non-receipt of a communication from the Office is set forth in MPEP § 711.03(c)(I)(A), reproduced above *in toto*.

5 See statement of Mr. Long.

6 35 USC §41(a)(7).

pursuant to Rule 1.137(b). If the renewed petition is granted, the fee that is associated with the petition pursuant to Rule 1.137(b) will be refunded to Petitioner.

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[7] hand-delivery,[8] or facsimile.[9] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[10]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[11] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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7 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
8 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
9 (571) 273-8300- please note this is a central facsimile number.
10 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
11 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

yUNITED 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.

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

COPY MAILED

OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Ronald Wayne Long :
Application No. 60/997,274 : DECISION ON PETITION
Filed: October 1, 2007 : PURSUANT TO
Attorney Docket No.: 4546.001 : 37 C.F.R. § 1.137(b)
Title: STEERING WHEEL TABLE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on December 19, 2008, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed November 26, 2007, 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 January 27, 2008. A notice of abandonment was mailed on August 6, 2008.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on October 2, 2008, and was dismissed via the mailing of a decision on October 27, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 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 this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has included the petition fee, an amendment "to make the provisional application comply with...all applicable regulations,"[1] and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[2]

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of Application No. 12/242,465, which claims priority to this provisional application.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[3] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Rule 1.53(c)
2 See Rule 1.137(d).
3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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

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

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Mann, et al. :
Application No. 60/997,518 : DECISION ON PETITION
Filed: October 3, 2007 :
Attorney Docket No. 69101P(70360) :

This is a decision on the petition, filed September 26, 2008, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. In addition, this decision addresses the petition to expedite under 37 CFR 1.182, filed September 26, 2008.

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

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 3, 2008, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on September 12, 2008.

Petitioner asserts that the Office action dated January 3, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner'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 satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Petitioner has filed a proper reply to the January 3, 2008 Notice with the present petition. Therefore, there is no need to remail the January 3, 2008 Notice and set a new period for reply. This application is being returned to the Office of Patent Application Processing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT CONWAY
SUITE 302
4615 FORBES AVENUE
PITTSBURGH, PA 15213

COPY MAILED

DEC 2 3 2008

OFFICE OF PETITIONS

In re Application of :
Markus Pueschel, et al. :
Application No. 60/997,596 : DECISION ON PETITION
Filed: October 4, 2007 :
Attorney Docket No. 2007-105 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 8, 2008, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed November 19, 2007. 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 January 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to the Office of Patent Application Papers for further processing of the reply received September 8, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MARK G. KNEDEISEN
K & L GATES
535 SMITHFIELD DRIVE
PITTSBURGH, PA 15222

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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/997,757	10/03/2007	Les Okrasa	

CONFIRMATION NO. 8398

Cosmic Descent, LLC
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 04/05/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/03/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH MA 01772

COPY MAILED

JUL 18 2008

OFFICE OF PETITIONS

In re Application of :
Weitzner, et al. :
Application No. 60/997,871 : ON PETITION
Filed: October 5, 2007 :
Attorney Docket No. 82381

This is a decision on the petition under 37 CFR 1.137(b) filed on June 9, 2008.

The petition is **DISMISSED AS MOOT**.

A review of the application file revealed that a Notice to File Missing Parts of Provisional Application was mailed in this application on November 26, 2007. The notice allowed a shortened period for reply of two months from its mailing date. Extensions of the times set for reply are available pursuant to 37 CFR 1.136(a). The instant petition was filed on June 9, 2008.

This petition is improper because it has been filed prematurely as the application is not abandoned. The Notice to File Missing Parts of Provisional Application allowed a shortened period for reply of two months from its mailing date with extensions of time available under 37 CFR 1.136(a). The petition was filed during the extendable period, and the amendment is considered timely filed as long as it is accompanied by a request for an extension of time within the fifth month. Accordingly, the petition fee of $1,540.00 is refunded to deposit account 11-1755. Deposit account 11-1755 will be charged $2,230.00 for the request for an extension of time within the fifth month.

The application file will be directed to the Office of Patent Application Processing for further review.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LARRY D. SUTTON
1829 HIGHWAY 1
FAIRFIELD, IA 52556

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Sutton et al. :
Application No. 60/997,898 : DECISION ON PETITION
Filed: October 9, 2007 :
Attorney Docket No. None :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 3, 2008, 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 November 27, 2007. 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 January 28, 2008. A Notice of Abandonment was mailed August 7, 2008.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the statutory basic filing fee and surcharge of $30, (2) the petition fee of $770, and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing of reply filed August 25, 2008.

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

/SDB/

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

Kenneth Bower
314 Ironstone Lane
Elverson PA 19520

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SEP 2 6 2008

In re Application of:
Biggs
Application No. 60/998,216
Filed: October 9, 2007
Attorney Docket No. 70361 LEEB
For: AC HEAT PUMP

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed August 29, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 4, 2007. 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 February 5, 2008. A Notice of Abandonment was mailed on August 13, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks items (1) and (3).

With respect to item (1), the December 4, 2007 Notice to File Missing Parts of Provisional Application required applicant to submit $5.00 to complete the basic filing fee for a small entity. Applicant has not submitted $5.00. The required reply in any reconsideration petition under 37 CFR 1.137(a) or petition under 37 CFR 1.137(b) is the $5.00 balance due.

With respect to (3) above, petitioner asserts incapacitation as the cause of unavoidable delay. Petitioner states that practitioner was hospitalized for a heart defect and has been undergoing rest and treatment. The petition is silent as to when the incapacitation/treatment for the condition occurred. A showing of "unavoidable" delay based upon incapacitation must establish that practitioner's incapacitation was of such a nature and degree as to render practitioner unable to conduct business (*e.g.*, correspond with the Office) from February 4, 2008 until the filing of the petition on August 29, 2008. Such a showing must be supported by a statement from practitioner's treating physician, and such statement must provide the nature and degree of practitioner's incapacitation during this above-mentioned period.

If practitioner was able to carry on other business from February 4, 2008 until August 29, 2008, then the delay would not be unavoidable. A practitioner's preoccupation with other matters which took precedence over the above-identified application would not constitute unavoidable delay. *See* Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982).

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.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $770.00 petition fee. On October 2, 2008 the petition fee will increase to $810.00.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

James Joseph Marko
3107 Camino Del Zuro
Thousand Oaks CA 91360

COPY MAILED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Marko et al. :
Application No. 60/998,239 : DECISION ON PETITION
Filed: 10/10/2007 :
Title: TOY/COLLECTIBLE CAR DISPLAY :

This is in response to the communication filed September 8, 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

On December 4, 2007, the Office mailed a Notice to File Missing Parts of Provisional Application, which set an extendable period of two months to reply. The application became abandoned on February 5, 2008, for failure to submit a timely response to the Notice to File Missing Parts of Provisional Application. On August 12, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner asserts that he did not receive the Notice to File Missing Parts of Provisional Application.

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 patent practitioner 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.

The Office records do not indicate that applicants Marko, Ehrlich, and Gross 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 patent practitioner. In the present case, only Marko signed the petition. There is no indication that Ehrlich or Gross gave power of attorney to Marko to prosecute the application on their behalves. Accordingly, the petition is not properly signed by a person having authority to prosecute the application without the signature of the other applicants.

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 1.181 to withdraw the holding of abandonment is filed and signed by a person(s) having authority to prosecute the application (e.g., signed by Marko, Ehrlich and Gross).

Nevertheless, as the petitioner is acting in a pro se capacity, the Office set forth the necessary showing to establish non-receipt of USPTO communications. The Office notes that a review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Provisional Application and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. 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 matters. Specifically, petitioner must explain his system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes the 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 to File Missing Parts of Provisional Application of December 4, 2007, was not entered into that system. Petitioner should include any available documentary evidence of any type of log showing correspondence mailed to and received from the USPTO, covering a period of two months from the mailing date of the Notice to File Missing Parts of Provisional Application of December 4, 2007, to demonstrate non-receipt of that 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 an Office communication, and where petitioner would have entered the receipt date of the Office communication 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. Petitioner must include statements from petitioner and any other person at the address of record who may have handled the Notice to File Missing Parts of Provisional Application, indicating that a search was conducted of the location where correspondence from the USPTO is kept; however, the Notice to File Missing Parts of Provisional Application was not found. Lastly, petitioner must state that he was receiving other correspondence at the address of record (i.e., the address of record was current) for a reasonable time when he would have received the Notice to File Missing Parts of Provisional Application.

If petitioner is unable to provide the information requested above, petitioner may wish to file a petition to revive the application pursuant to 37 CFR 1.137(b) on the basis of **unintentional** delay instead of filing a "renewed" Petition under 37 CFR 1.181. Additionally, petitioner must submit a $25.00

surcharge for the late filing of the statutory basic filing fee as required by the Notice to File Missing Parts of Provisional Application.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Notice to File Missing Parts of Provisional Application (i.e. payment of the $25.00 surcharge);

(2) The petition fee as set forth in § 1.17(m), currently a $810.00 fee for a small entity; and,

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The appropriate form for filing a petition under 37 CFR 1.137(b) and a copy of the Notice to File Missing Parts of Provisional Application accompany this decision for petitioner's convenience.

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

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

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

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

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Copy of the Notice to File Missing Parts of Provisional Application and Form for Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/998,239	10/10/2007	James Joseph Marko	

CONFIRMATION NO. 2265

James Joseph Marko
3107 Camino Del Zuro
Thousand Oaks, CA 91360

FORMALITIES LETTER

OC000000026907255

Date Mailed: 12/04/2007

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 statutory basic filing fee is insufficient.
  Applicant must submit $5 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 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 notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$30** for a small entity
- **$5** 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

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.

/nprasasouk/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

PTO/SB/64 (11-08)
Approved for use through 12/31/2008. 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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/998,270	10/09/2007	Les Okrusa	

CONFIRMATION NO. 2612

Cosmic Descent LLC.
29 Belment Ave
Enfield, CT 06082

Date Mailed: 04/05/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/09/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/998,271	10/09/2007	Les Okrusa	

CONFIRMATION NO. 2595

Cosmic Descent, LLC
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 04/06/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/09/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IVY Y. MEI
800 EL CAMINO REAL W.
SUITE 180
MOUNTAIN VIEW CA 94040

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Bradford Macy, Jr. :
Application No. 60/998,286 : DECISION ON PETITION
Filed: October 10, 2007 :
Attorney Docket No. BM-0001P :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed November 30, 2007. 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 January 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $5 for the statutory fee and $25 for the surcharge, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

for
Andrea Smith
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

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NOV 06 2008

MICHAEL SHUR
10 STARBOARD WAY
LATHAM, NY 12110

In re Application of :
Yuri Bilenko, et al. :
Application No. 60/998,633 : ON PETITION
Filed: October 12, 2007 :
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.137(b), filed by July 25, 2008, 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 October 29, 2007. The notice set a two-month period to respond and required (1) the balance of basic filing fee and (2) the surcharge as set forth in 37 CFR 1.16(g). A Notice of Abandonment was mailed on July 8, 2008. On July 25, 2008, 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 $10 to complete the filing fee and $50 for the surcharge; (2) the petition fee of $1k540; and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of October 29, 2007 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

Paper No.

Jon D. Wood, Chief IP Counsel
Bridgestone Americas, Holding
1200 Firestone Parkway
Akron OH 44317

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Steven Luo : DECISION ON PETITION
Application No. 60/998,674 : PURSUANT TO
Filed: October 12, 2007 : 37 C.F.R. § 1.182
Attorney Docket No. P07028US1A(490P):
Title: POLYMERS FUNCTIONALIZED WITH :
HETEROCYCLIC NITRILE COMPOUNDS :

This is a decision on the "PETITION TO ACCORD FILING DATE IN RESPONSE TO 'NOTICE OF INCOMPLETE PROVISIONAL APPLICATION'," filed January 4, 2008, requesting that this application be accorded a filing date of October 12, 2007. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

Application papers in the above-identified application were deposited on October 12, 2007. However, on December 11, 2007, the Office of Initial Patent Examination Division mailed Applicant a "Notice of Incomplete Provisional Application" (notice), notifying Applicant, *inter alia*, that the application papers had not been accorded a filing date because the application had been deposited without drawings, and that a filing date would be accorded upon the deposit of the same.

In response, Applicant timely filed this petition. Petitioner's arguments and evidence have been considered, and it is clear that this application contained at least one method claim. M.P.E.P. § 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to 37 C.F.R. § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Provisional Application.

Given the basis for granting this petition, no petition fee is required. Consequently, the petition fee has not been charged to Petitioner's Deposit Account.

To the extent the present petition requests a filing date of October 12, 2007 with no drawings present in the application, the petition is **GRANTED**. The notice of December 11, 2007 is hereby **VACATED**.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to October 12, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt.**

It is noted that Petitioner has included a substitute specification. Although Petitioner has not submitted an amendment requesting the entry of the same, the Office will construe the submission as a constructive request for entry. The substitute specification will not be entered. Petitioner is reminded that Provisional applications cannot be amended[1].

It is further 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

1 See 37 C.F.R. § 1.53(c). See also M.P.E.P. § 601.01(b).

correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225[2].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Arthur M. Reginelli
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, Ohio 44308-1456

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LINSEY A. JOHNSON
2214 CHANNING WAY # 8
BERKELEY CA 94704

COPY MAILED

NOV 12 2008

In re Application of :
Johnson :
Application No. 60/999,016 : ON PETITION
Filed: October 16, 2007 :
Attorney Docket No. N/A :
For: JSI BIOMETRIC RESIDENTIAL AND FACILTY ACCESS SCANNER

This is a decision on the correspondence filed July 22, 2008 and supplemented on July 28, 2008, requesting that the Office withdraw the holding of abandonment in the above-identified application. The correspondence will be treated as a feeless petition under 37 CFR 1.181.

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

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

The above-identified application became abandoned for failure to reply to the November 1, 2007 Notice to File Missing Parts of Provisional Application, which set a two month extendable period for reply to submit $5.00 towards the basic filing fee and a $25.00 surcharge for late submission of the full filing fee. No extensions of time or reply being received, the Office contended that this application became abandoned on January 2, 2008. A Notice of Abandonment was mailed on July 9, 2008.

Petitioner paid $680.00 via money order on September 10, 2007 in Application No. 11/900,118. Petitioner was owed a $80.00 refund due to overpayment in Application No. 11/900,118. Petitioner alleges that Ms. Freda Connelly, who has/had some unspecified position with the Office, told her on some unspecified date that she would apply $30.00 of the refund towards the fees owed in this application and apply another $30.00 of the refund towards the identical fees owed in another provisional application.

The fees due for this application have still not been paid.

Applicant is reminded that official communication with the Office must be carried out in writing. 37 CFR 1.2. Oral advice from Office employees is not binding. See In re Sivertz, 227 USPQ 255,256 (Comm'r Pat. 1985). An Office employee's alleged statements made during a telephone conversation cannot nullify the October 31, 2007 Notice to File Missing Parts of Provisional Application, which required timely reply to avoid abandonment of the application. The failure to reply within the set or extended period for reply resulted in the abandonment of the application ***by statute***. 35 U.S.C. 133.

Even if it was proved that a Ms. Connelly made the alleged statements, she would be without authority to apply a portion of a refund from one application to fees due in other applications. Applicant is informed that applications and finances for each application are maintained separately. Each application file must be complete in itself 37 CFR 1.4(b). Papers pertaining to one application are not part of another application, even if the inventors are the same. Therefore, the $80.00 refund owed in 11/900,118 would not have been applied to fees due in other application(s).

Furthermore, it is noted that a U.S. Treasury check refund dated November 30, 2007 for $80.00 was endorsed by Linsey A. Johnson and cashed on December 5, 2007. Therefore, even if it ***were*** possible to apply a refund in one application to fees due in other applications, there was no money/refund available to the Office on December 31, 2007, when the fees came due.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioner is encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b). The current small entity Rule 137(b) petition fee is $810.00. The reply should be a $25.00 surcharge and $10.00 for the statutory basic filing fee. On October 2, 2008, a number of fees increased. The current small entity provisional basic filing fee is $110.00, not $105.00. Therefore, petitioner owes $10.00, not $5.00 towards the basic filing fee. In summary: Petitioner now owes $35.00 for the reply. The petition under 37 CFR 1.137(b) must be completed and filed with a petition fee of $810.00.

For petitioner's convenience, a blank form: PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) is enclosed.

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

Enclosures: blank PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Privacy Act Statement

PTO/SB/64 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature

_____ Date

_____ Typed or printed name

_____ Registration Number, if applicable

_____ Address

_____ Telephone Number

_____ Address

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date

_____ Signature

_____ Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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

LINSEY A. JOHNSON
2214 CHANNING WAY # 8
BERKELEY CA 94704

COPY MAILED

NOV 10 2008

In re Application of :
Johnson :
Application No. 60/999,018 : ON PETITION
Filed: October 16, 2007 :
Attorney Docket No. N/A :
For: JSI BIOMETRIC AUTOMOTIVE SCANNER

This is a decision on the correspondence filed July 29, 2008, requesting that the Office withdraw the holding of abandonment in the above-identified application. The correspondence will be treated as a feeless petition under 37 CFR 1.181.

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

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

The above-identified application became abandoned for failure to reply to the October 31, 2007 Notice to File Missing Parts of Provisional Application, which set a two month extendable period for reply to submit $5.00 towards the basic filing fee and a $25.00 surcharge for late submission of the full filing fee. No extensions of time or reply being received, the Office contended that this application became abandoned on January 1, 2008. A Notice of Abandonment was mailed on July 9, 2008.

Petitioner paid $680.00 via money order on September 10, 2007 in Application No. 11/900,118. Petitioner was owed a $80.00 refund due to overpayment in Application No. 11/900,118. Petitioner alleges that Ms. Freda Connelly, who has/had some unspecified position with the Office, told her on some unspecified date that she would apply $30.00 of the refund towards the fees owed in this application and apply another $30.00 of the refund towards the identical fees owed in another provisional application.

The fees due for this application have still not been paid.

255, 256 (Comm'r Pat. 1985). An Office employee's alleged statements made during a telephone conversation cannot nullify the October 31, 2007 Notice to File Missing Parts of Provisional Application, which required timely reply to avoid abandonment of the application. The failure to reply within the set or extended period for reply resulted in the abandonment of the application ***by statute***. 35 U.S.C. 133.

Even if it was proved that a Ms. Connelly made the alleged statements, she would be without authority to apply a portion of a refund from one application to fees due in other applications. Applicant is informed that applications and finances for each application are maintained separately. Each application file must be complete in itself 37 CFR 1.4(b). Papers pertaining to one application are not part of another application, even if the inventors are the same. Therefore, the $80.00 refund owed in 11/900,118 would not have been applied to fees due in other application(s).

Furthermore, it is noted that a U.S. Treasury check refund dated November 30, 2007 for $80.00 was endorsed by Linsey A. Johnson and cashed on December 5, 2007. Therefore, even if it ***were*** possible to apply a refund in one application to fees due in other applications, there was no money/refund available to the Office on December 31, 2007, when the fees came due.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioner is encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b). The current small entity Rule 137(b) petition fee is $810.00. The reply should be a $25.00 surcharge and $10.00 for the statutory basic filing fee. On October 2, 2008, a number of fees increased. The current small entity provisional basic filing fee is $110.00, not $105.00. Therefore, petitioner owes $10.00, not $5.00 towards the basic filing fee. In summary: Petitioner now owes $35.00 for the reply. The petition under 37 CFR 1.137(b) must be completed and filed with a petition fee of $810.00.

For petitioner's convenience, a blank form: PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) is enclosed.

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

By mail:

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: blank PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Privacy Act Statement

PTO/SB/64 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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Alexandria, VA 22313-1450
www.uspto.gov

BELL & ASSOCIATES
58 WEST PORTAL AVENUE NO. 121
SAN FRANCISCO, CA 94127

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Alfredo Galvez et al	:	
Application Number: 60/999,053	:	DECISION DISMISSING
Filing Date: October 14, 2007	:	PETITION
Attorney Docket Number:	:	
UCDLUNASIN12OCT07	:	

This is a decision on the "PETITION TO CORRECT FILING DATE," filed on December 16, 2008, which is treated as a petition under 37 CFR 1.10(d) requesting that the above-identified application be accorded a filing date of October 12, 2007, rather than the presently-accorded filing date of October 14, 2007.

The petition is **dismissed**.

Petitioner alleges that the application was deposited in Express Mail service on October 12, 2007.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1]

[1] See 37 CFR 1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> > (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> > (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> > (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

The petition lacks the showing required by item (3) above.

Petitioner alleges that the application was deposited in Express Mail service on October 12, 2007. In support, petitioners rely upon the sales receipt as evidence that the application was accepted by the USPS on the requested date. It is noted that, petitioner has submitted a copy of Express Mail label receipt number ED 987389643 US; however, the "date-in" was left blank.

The sales receipt indicates only that petitioners paid for the Express Mail shipment on October 12, 2007, not that the Express Mail envelope was accepted by the USPS as deposited on that date.

In view of the showing of record, petitioners should request a letter from the USPS explaining the discrepancy between the date on the sales receipt and the blank "date-in" on the Express Mail envelope. The letter should state that, according to USPS records, the Express Mail package bearing label No. ED 987389643 US was in fact deposited with the USPS in Express Mail Post Office to Addressee Service on October 12, 2007, and explain the apparent cause of the error. Accordingly, the petition is dismissed.

However, such dismissal is without prejudice to reconsideration pending submission of a statement from the USPS or other proper evidence showing that the application was accepted by the USPS on October 12, 2007.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision in order to be considered timely [37 CFR 1.181(f)]. The request 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 Building
Alxandria VA 22314

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

/SDB/

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

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

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MAR 28 2008

OFFICE OF PETITIONS

In re Application of :
Gerald Pinto :
Application No. 60/999,099 : DECISION DISMISSING
Filed: October 15 2007 : PETITION
Attorney Docket No. NY-ABH 257-PROV2(1070077 :

This is in response to the "Petition in Response to Notice to Notice of Omitted Item(s) in a Provisional Application" filed February 5, 2008, requesting that the Office accept page 1 of the specification, as part of the disclosure of the above-identified provisional application.

Application papers in the above-identified provisional application were filed on October 15, 2007. However, on December 11, 2007, the Initial Patent Examination Office mailed a "Notice of Omitted Item(s) In A Provisional Application," stating that the application had been accorded a filing date; however, page 1 of the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

In response, applicants filed the instant petition providing page 1 of the specification. Although petitioner states a postcard receipt was submitted, a review of the record shows a stamped postcard is not amongst the papers submitted. Thus, petitioner has failed to present any evidence to establish page 1 of the specification was originally submitted on October 15, 2007.

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 pages of the specification on the basis that the pages do not constitute new matter.

Furthermore, with regard to omitted sheets of specification in provisional applications, MPEP 601.01(d) specifically provides that:

> The submission of omitted page(s) or drawing(s) in a nonprovisional application and acceptance of the date of such submission as the application filing date is tantamount to simply filing a new application. Thus, applicants should consider filing a new application as an alternative to submitting a petition under 37 C.F.R. 1.182 (with the petition fee under 37 C.F.R. 1.17(h)) with any omitted page(s) or drawing(s), which is a cost effective alternative in instances in which a nonprovisional application is deposited without filing fees. Likewise, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 C.F.R. 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

Thus, it is concluded that applicant does not have the option of amending this provisional application to include the inadvertently omitted specification nor can applicants submit the page of specification and accept a later filing date.

In view thereof, the petition is **DISMISSED**. The petition fee will not be refunded as the petition was not necessitated by Office error.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If

reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of October 15, 2007.

The application will maintain a filing date of October 15, 2007 using the application papers deposited on that date.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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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DEC 22 2008

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

In re Application of :
Gerald Pinto :
Application No. 60/999,099 : DECISION GRANTING
Filed: October 15 2007 : PETITION
Attorney Docket No. NY-ABH 257-PROV2(1070077 :

This is in response to the "Response to Decision Dismissing Petition" filed April 8, 2008, requesting that the Office accept page 1 of the specification, as part of the disclosure of the above-identified provisional application.

The petition is GRANTED.

Application papers in the above-identified provisional application were filed on October 15, 2007. However, on December 11, 2007, the Initial Patent Examination Office mailed a "Notice of Omitted Item(s) In A Provisional Application," stating that the application had been accorded a filing date; however, page 1 of the specification appeared to be omitted from the application. This Notice set a two-month period for reply. A petition filed on February 5, 2008 was dismissed on March 28, 2008.

On renewed petition petitioner has provided a postcard receipt. The postcard receipt shows the Office was in receipt of 2 pages of specification. The petition is also accompanied by page 1 of the specification.

Applicant's postcard receipt is prima facie evidence that 2 pages of specification were received on October 15, 2007, but page 1 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is

concluded that 2 pages of specification were received on October 15, 2007, as shown in counsel's file, and later misplaced in the office.

Since original page 1 of the specification cannot be located in the Office, page 1 supplied on February 5, 2008, will be used for processing purposes.

The application will be returned to the Office of Patent Application Processing for further processing with a filing date of October 15, 2007, using the substitute page 1 of the specification supplied on February 5, 2008.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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

Soquel Group, LLC
P.O. Box 691
Soquel CA 95073

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SEP 19 2008

In re Application of :
Ingelman, et al. :
Application No. 60/999,319 : ON PETITION
Filed: October 17, 2007 :
Attorney Docket No. TROOKER.P004PRV :

This is a decision on the petition under 37 CFR 1.137(b), filed August 26, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The above-cited application became abandoned for failure to respond in a timely manner to the "Notice to File Missing Parts in a Provisional Application" (the "Notice") mailed December 11, 2007. The Notice set forth a two-month period for reply beginning from its mailing date. No response was received within the allowable period and the application became abandoned on February 12, 2008. A Notice of Abandonment was mailed on August 22, 2008.

A provisional application may be revived so as to be pending for a period no longer than twelve months from its filing date. See 35 USC 11(b)(5). This application will expire by operation of law at midnight on October 17, 2008.

The provisional application filing fee and surcharge filed August 28, 2008, are noted.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lawrence Weckstein
160 Fern Avenue
Lyndhurst NJ 07071

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OCT 10 2008

OFFICE OF PETITIONS

In re Application of

Weckstein, et al.

Application No. 60/999,664

Filed: October 20, 2007

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed September 15, 2008.

The petition is **granted**.

This application was held abandoned February 17, 2008, after no reply was received to the Notice to File Missing Parts of Provisional Application mailed December 17, 2007. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on February 17, 2008. A Notice of Abandonment was mailed September 2, 2008. The instant petition was filed on September 15, 2008. Petitioner maintains that the notice was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The provisional application will expire by operation of law at midnight on October 20, 2008.

The address cited on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The application file is being forwarded to the Office of Patent Application Processing for further processing that may include remailing the notice and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

K. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:

Gordon & Juengst PC
Attorney at Law
3279 Veterans Memorial Highway, Suite D-2
Ronkonkoma, NY 11779

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

CST

10-2-07

In re application of :
Sunity Sharma et al :
Serial No. 11/520,341 : DECISION
Filed: September 12, 2006 : ON PETITION
For: FLEXIBLE CIRCUIT CHEMISTRY :

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed September 7, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11520341 on 11/05/2007

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
11/520,341	09/12/2006	Sunity Sharma	SRI1P062A/US-5515-2

CONFIRMATION NO. 8781

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

CONVERSION REQUEST

OC000000026623518

Date Mailed: 11/08/2007

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 **09/07/2007,** 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 **60/999,732.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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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CST

10-2-07

In re application of :
Sunity Sharma et al :
Serial No. 11/520,472 : DECISION
Filed: September 12, 2006 : ON PETITION
For: FLEXIBLE CIRCUITS :

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed September 7, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11520472 on 11/05/2007

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
11/520,472	09/12/2006	Sunity Sharma	SRI1P062B/US-5516-2

CONFIRMATION NO. 8959

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

CONVERSION REQUEST

OC000000026623550

Date Mailed: 11/08/2007

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 **09/07/2007,** 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 **60/999,733.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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

CST

10-2-07

In re application of :
Sunity Sharma et al :
Serial No. 11/520,474 : DECISION
Filed: September 12, 2006 : ON PETITION
For: FLEXIBLE CIRCUIT PRINTING :

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed September 7, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11520474 on 11/05/2007

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./TITLE
11/520,474	09/12/2006	Sunity Sharma	SRI1P062C/US-5517-2

CONFIRMATION NO. 8960

CONVERSION REQUEST

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

OC000000026623580

Date Mailed: 11/08/2007

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 **09/07/2007,** 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 **60/999,734.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/888,296	07/31/2007	Kevin L. Houser	END6009USNP/070121

CONFIRMATION NO. 3595

CONVERSION REQUEST

26285
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

Date Mailed: 11/08/2007

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 **09/14/2007,** 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 **60/999,735.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/677,534	02/21/2007	Paulo Malo	NOBELB.278A

CONFIRMATION NO. 1073

CONVERSION REQUEST

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

OC000000026521621

Date Mailed: 11/02/2007

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 **09/25/2007,** 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 **60/999,736.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/839,151	08/15/2007	Lizhang Yang	60849US002

CONFIRMATION NO. 7991

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026623642

Date Mailed: 11/08/2007

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 **09/25/2007,** 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 **60/999,737.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/607,300	11/30/2006	Marilyn Murphy	2244.044US1 / US-0098.01

CONFIRMATION NO. 8365

CONVERSION REQUEST

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

OC000000026623680

Date Mailed: 11/08/2007

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 **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 **60/999,738.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/829,008	07/26/2007	James R. Flom	32441-709.201

CONFIRMATION NO. 1364

21971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

CONVERSION REQUEST

OC000000026623715

Date Mailed: 11/08/2007

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 **10/02/2007,** 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 **60/999,739.** 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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/848,518	08/31/2007	Mark R. Jaworowski	PA-0003456-US (06-644)

CONFIRMATION NO. 3938

52237
BACHMAN & LAPOINTE, P.C. (P&W)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510-2802

CONVERSION REQUEST

OC000000026564703

Date Mailed: 11/01/2007

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 **10/08/2007,** 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 **60/999,740.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/848,368	08/31/2007	Paul J. Flannigan	63424US002

CONFIRMATION NO. 3675

CONVERSION REQUEST

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

OC00000026623765

Date Mailed: 11/08/2007

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 **10/10/2007,** 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 **60/999,741.** 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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/848,377	08/31/2007	James R. Betz	63426US002

CONFIRMATION NO. 3700

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC00000026623799

Date Mailed: 11/08/2007

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 **10/10/2007,** 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 **60/999,742.** 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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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/848,371	08/31/2007	Paul J. Flannigan	63425US002

CONFIRMATION NO. 3685

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026623820

Date Mailed: 11/08/2007

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 **10/10/2007,** 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 **60/999,743.** 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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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
11/848,497	08/31/2007	Robert E. Holler	63423US002

CONFIRMATION NO. 3891

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026575793

Date Mailed: 11/02/2007

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 **10/10/2007,** 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 **60/999,744.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/750,409	05/18/2007	Luca D. Farioli	63049US002

CONFIRMATION NO. 1038

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026570368

Date Mailed: 11/02/2007

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 **10/10/2007,** 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 **60/999,745.** 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

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
11/848,411	08/31/2007	Michael E. Hamerly	63291US002

CONFIRMATION NO. 3764

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026566650

Date Mailed: 11/02/2007

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 **10/10/2007,** 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 **60/999,746.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/695,248	04/02/2007	Arthur Scheffler	62558US002

CONFIRMATION NO. 2330

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026569543

Date Mailed: 11/02/2007

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 **10/10/2007,** 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 **60/999,747.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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
11/695,273	04/02/2007	Arthur Scheffler	63052US002

CONFIRMATION NO. 2363

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026569185

Date Mailed: 11/02/2007

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 **10/10/2007,** 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 **60/999,748.** 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

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./TITLE
11/860,222	09/24/2007	William Randall SEEKER	226645-1

CONFIRMATION NO. 6206

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

CONVERSION REQUEST

OC000000026568477

Date Mailed: 11/01/2007

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 **10/11/2007,** 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 **60/999,749.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

OCT 18 2007

In re Application of	:	
De Laat et al.	:	
Serial No.: 11/622,328	:	CONVERSION TO PROVISIONAL
Filed: June 6, 2006	:	
Attorney Docket No.: 674592-2001	:	

This is in response to applicants' request, filed October 5, 2007, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

Copied from 11622328 on 11/01/2007

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
11/622,328	01/11/2007	Wouter De Laat	674592-2001

CONFIRMATION NO. 2774

20999
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

CONVERSION REQUEST

OC000000026567625

Date Mailed: 11/01/2007

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 **10/05/2007,** 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 **60/999,750.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

OCT 18 2007

In re Application of	:
De Laat et al.	:
Serial No.: 11/622,328	: CONVERSION TO PROVISIONAL
Filed: ~~June 6, 2006~~ 1/11/07	:
Attorney Docket No.: 674592-2001	:

This is in response to applicants' request, filed October 5, 2007, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 703-872-9306.

M. C. Seidel

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/833,905	08/03/2007	Benjamin Kuris	P26363Z

CONFIRMATION NO. 8719

CONVERSION REQUEST

59796
INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

OC000000026589596

Date Mailed: 11/08/2007

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 **10/15/2007,** 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 **60/999,751.** 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

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/766,561	06/21/2007	Jun-Ying Zhang	62972US002

CONFIRMATION NO. 9597

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

Date Mailed: 11/08/2007

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 **10/16/2007,** 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 **60/999,752.** 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

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
11/766,412	06/21/2007	Jun-Ying Zhang	62973US002

CONFIRMATION NO. 9322

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000026589141

Date Mailed: 11/08/2007

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 **10/16/2007,** 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 **60/999,753.** 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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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
11/863,593	09/28/2007	Daniel Stack	EMC-073PUSP

CONFIRMATION NO. 1974

CONVERSION REQUEST

51576
EMC CORPORATION
c/o DALY, CROWLEY, MOFFORD & DURKEE, LLP
354ATURNPIKE STREET
SUITE 301A
CANTON, MA 02021-2714

OC000000026591175

Date Mailed: 11/08/2007

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 **10/17/2007,** 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 **60/999,754.** 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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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/836,276	08/09/2007	Derek D. Mahoney	4747-P04326US00

CONFIRMATION NO. 2941

110
DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

CONVERSION REQUEST

OC000000026590065

Date Mailed: 11/08/2007

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 **10/17/2007,** 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 **60/999,755.** 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/845,516	08/27/2007	Joan Sanger	SAN170/4-001US

CONFIRMATION NO. 8852

21586
VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON, TX 77002-6760

CONVERSION REQUEST

Date Mailed: 11/08/2007

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 **10/17/2007,** 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 **60/999,756.** 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

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
11/846,065	08/28/2007	Haim Sompolinsky	SOMPOLINSKY1

CONFIRMATION NO. 9771

1444
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

CONVERSION REQUEST

Date Mailed: 11/02/2007

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 **08/31/2007,** 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 **60/999,757.** 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

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
11/747,405	05/11/2007	Asia Chang	NDC5007USPSP

CONFIRMATION NO. 4440

23910
FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

CONVERSION REQUEST

OC000000026520287

Date Mailed: 11/02/2007

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 **05/15/2007,** 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 **60/999,758.** 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

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
11/747,307	05/11/2007	Asia Chang	NDC5008USPSP

CONFIRMATION NO. 4266

23910
FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

CONVERSION REQUEST

OC000000026623949

Date Mailed: 11/08/2007

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 **05/15/2007,** 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 **60/999,759.** 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

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
11/618,875	12/31/2006	Darmin Jin	SDD-1090Y

CONFIRMATION NO. 6503

66257
SANDISK/ROBERT GROOVER
BOX 802889
DALLAS, TX 75380

CONVERSION REQUEST

OC000000026519535

Date Mailed: 11/02/2007

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 **06/29/2007,** 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 **60/999,760.** 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

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
11/734,420	04/12/2007	Murali Gopalakrishnan	8513USL2

CONFIRMATION NO. 1016

CONVERSION REQUEST

23492
ROBERT DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

OC000000026519890

Date Mailed: 11/02/2007

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 **07/13/2007,** 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 **60/999,761.** 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

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
11/861,544	09/26/2007	Benjamin A. Goldburd	

CONFIRMATION NO. 8563

CONVERSION REQUEST

Benjamin A Goldburd
1243 East 7th Street
Brooklyn, NY 11230

OC000000027563529

Date Mailed: 01/29/2008

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 **10/16/2007,** 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 **60/999,762.** 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

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
11/643,570	12/21/2006	Prithwiraj Maitra	SC90U-US

CONFIRMATION NO. 4272

Charles J. Zeller, Esq.
Avon Products Inc.
Avon Place
Suffern, NY 10901

CONVERSION REQUEST

Date Mailed: 11/20/2007

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 **03/08/2007,** 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 **60/999,763.** 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

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

Charles J. Zeller, Esq.
Avon Products Inc.
Avon Place
Suffern, NY 10901

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FEB 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Maitra, et al. :
Application No. 60/999,763 : DECISION GRANTING PETITION
Filed: December 21, 2006 :
Attorney Docket No. SC90U-US :

This is a decision on the "Petition to Obtain Provisional Filing Date" filed January 17, 2008, which will be treated as petition under 37 CFR 1.53.

On December 21, 2006, the application was deposited as a non-provisional application. By a decision mailed November 20, 2007, the non-provisional application was converted to the subject provisional application.

On January 29, 2007, the Office of Initial Patent Examination mailed a Notice in the non-provisional application stating that drawings were not present and that a filing date had not been accorded the application. The notice was transferred to the subject provisional application on November 20, 2007.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one composition or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that several of the claims in the provisional application are composition claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

In view of the above, the petition is **granted.** The application is entitled to a filing date of December 21, 2006, with only the papers received on that date and excluding any drawings. It is noted that the provisional application expired at midnight December 21, 2007, as a matter of law.

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

The application is being forwarded to the Office of Patent Application Processing with a filing date of December 21, 2006. A corrected filing receipt will be mailed by the Office of Patent Application Processing.

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/611,090	12/14/2006	Kurt Zimmerman	

CONFIRMATION NO. 3805

CONVERSION REQUEST

66739
MR. KURT ZIMMERMAN
12 AURELIE DRIVE
FREDERICKSBURG, VA 22406

OC000000026772855

Date Mailed: 11/20/2007

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 **09/11/2007,** 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 **60/999,765.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/890,232	08/06/2007	Serge Jodoin	776/14761.3

CONFIRMATION NO. 7110

CONVERSION REQUEST

AIR MAIL
25545
GOUDREAU GAGE DUBUC
2000 MCGILL COLLEGE
SUITE 2200
MONTREAL, QC H3A 3H3
CANADA

Date Mailed: 04/17/2008

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 **10/16/2007,** 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 **60/999,768.** 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

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
11/635,082	12/07/2006	Martinus Hendrikus Antonius Leenders	081468-0358977

CONFIRMATION NO. 4354

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

CONVERSION REQUEST

Date Mailed: 12/18/2007

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 **11/20/2007,** 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 **60/999,769.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/502,740	08/11/2006	Ying Sun	4056.4103 US2

CONFIRMATION NO. 7754

38473
ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD, MA 01863

CONVERSION REQUEST

OC000000027311005

Date Mailed: 12/18/2007

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 **05/02/2007,** 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 **60/999,770.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY - 7 2007

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

ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD MA 01863

In re Application of	:
Ying Sun et al	:
Serial No.: 11/502,740	: CONVERSION TO PROVISIONAL
Filed: August 11, 2006	:
Attorney Docket No.: 4056.4103US2	:

This is in response to applicants' request, filed May 2, 2007, 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 11502740 on 12/18/2007

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/846,469	08/28/2007	Farhad Daghighian	402-26-028

CONFIRMATION NO. 1437

23935
KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS, CA 91360

CONVERSION REQUEST

OC000000027310021

Date Mailed: 12/18/2007

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 **10/30/2007,** 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 **60/999,771.** 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

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/926,218	10/29/2007	Laura Lee Martin	80616

CONFIRMATION NO. 4182

CONVERSION REQUEST

65933
TAMMYE TAYLOR
EASTMAN CHEMICAL COMPANY
100 N. EASTMAN RD.
KINGSPORT, TN 37660-5075

OC000000027310487

Date Mailed: 12/18/2007

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 **12/06/2007,** 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 **60/999,772.** 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

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/229,080	09/16/2005	Charles W. Extrand	2267.1034US01

CONFIRMATION NO. 3680

CONVERSION REQUEST

24113
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

OC000000027312596

Date Mailed: 12/18/2007

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 **09/11/2006,** 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 **60/999,773.** 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

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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CST

2-7-07

In re application of	:	
Charles W. Extrand	:	
Serial No. 11/229,080	:	DECISION
Filed: September 16, 2006	:	ON PETITION
For: FUEL CELL WITH ANISOTROPIC WETTING SURFACES	:	

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed September 11, 2006.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Jacqueline M. Stone

Jacqueline M. Stone
Director, Technology Center 1700
High Polymer Chemistry, Plastics,
Stock Materials and Compositions

Copied from 11229080 on 12/18/2007

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/635,079	12/07/2006	Michel Riepen	081468-0358932

CONFIRMATION NO. 4362

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

CONVERSION REQUEST

OC000000027575855

Date Mailed: 01/07/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/27/2007,** 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 **60/999,774.** 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

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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DEC 19 2007

122007

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

In re Application of:
Michel Riepen et al.
Serial No.: 11/635,079
Filed: December 07, 2006
For: LITHOGRAPHIC APPARATUS AND DEVICE MANUFACTURING METHOD

DECISION ON PETITION TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(c)(2), filed November 27, 2007, to convert the above-identified non-provisional application under 37 C.F.R. § 1.53(b) to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(c)(2).

The petition is **GRANTED.**

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Sharon Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components

Copied from 11635079 on 01/04/2008

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
11/798,492	05/14/2007	Judocus Marie Dominicus Stoeldraijer	081468-0361110

CONFIRMATION NO. 5160

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

CONVERSION REQUEST

OC000000027575881

Date Mailed: 01/07/2008

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 **10/18/2007,** 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 **60/999,775.** 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

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

DEC 19 2007

122007

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

In re Application of:
Judocus Marie Dominicus Stoeldraijer et al.
Serial No.: 11/798,492
Filed: May 14, 2007
For: LITHOGRAPHIC APPARATUS, DEVICE MANUFACTURING METHOD AND COMPUTER PROGRAM PRODUCT

DECISION ON PETITION TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(c)(2), filed October 18, 2007, to convert the above-identified non-provisional application under 37 C.F.R. § 1.53(b) to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(c)(2).

The petition is **GRANTED.**

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Sharon Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components

Copied from 11798492 on 01/04/2008

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

DEC 19 2007

122007

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

In re Application of:
Judocus Marie Dominicus Stoeldraijer et al.
Serial No.: 11/604,402
Filed: November 27, 2006
For: LITHOGRAPHIC APPARATUS, DEVICE MANUFACTURING METHOD AND COMPUTER PROGRAM PRODUCT

DECISION ON PETITION TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(c)(2), filed October 18, 2007, to convert the above-identified non-provisional application under 37 C.F.R. § 1.53(b) to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(c)(2).

The petition is **GRANTED.**

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

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Sharon Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components

Copied from 11604402 on 01/04/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/604,402	11/27/2006	Judocus Marie Dominicus Stoeldraijer	081468-0358769

CONFIRMATION NO. 2407

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

CONVERSION REQUEST

OC000000027575873

Date Mailed: 04/02/2009

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 **10/18/2007,** 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 Patent Application Processing (OPAP) 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 **60/999,776.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/060,258	03/31/2008	Jennifer Cartledge	22416-00035-US1

CONFIRMATION NO. 6266

30678
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

CONVERSION REQUEST

Date Mailed: 02/09/2009

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/17/2008,** 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 Patent Application Processing (OPAP) 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 **60/999,777.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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./TITLE
11/832,066	08/01/2007	James P. DiZio	63179US002

CONFIRMATION NO. 5434

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000034649315

Date Mailed: 02/20/2009

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/28/2007,** 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 Patent Application Processing (OPAP) 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 **60/999,778.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
12/215,894	07/01/2008	Glen A. Yarbrough	YARB700

CONFIRMATION NO. 6597

23590
RICHARD L HUFF
19304 OLNEY MILL ROAD
OLNEY, MD 20832

CONVERSION REQUEST

OC000000034467106

Date Mailed: 02/09/2009

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/26/2009,** 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 Patent Application Processing (OPAP) 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 **60/999,779.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/934,122	11/02/2007	Jeffrey Strobel	07.0460

CONFIRMATION NO. 5035

30948
CLOCK TOWER LAW GROUP
2 CLOCK TOWER PLACE, SUITE 255
MAYNARD, MA 01754-2545

CONVERSION REQUEST

OC000000034463279

Date Mailed: 02/09/2009

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 **09/15/2008,** 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 Patent Application Processing (OPAP) 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 **60/999,780.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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CLOCK TOWER LAW GROUP
2 CLOCK TOWER PLACE, SUITE 255
MAYNARD MA 01754-2545

2/3/09

In re Application of:
STROBEL, JEFFREY et al
Serial No.: 11/934,122
Filed: Nov. 2, 2007
Docket: 07.0460
Title: COMPARISON SELECTION, RANKING, AND ANTI-CHEATING METHODS IN AN ONLINE CONTEST ENVIRONMENT

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(C)(2) and MPEP 601.01(C)

This is a decision on the petition for conversion to a provisional application filed Sep. 15, 2008 under 37 CFR 1.53 (C) (2).

The petition filed on Sep. 15, 2008 requests conversion to a provisional application under 37 CFR 1.53(C) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (C) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

Copied from 11934122 on 04/02/2009

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VALENCELL, INC.
SUITE 101
920 MAIN CAMPUS DRIVE
RALEIGH, NC 27606-5219

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OCT 1 7 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
LeBoeuf et al. :
Application No. 61/000,181 :
Filed: October 25, 2007 :
Attorney Docket No. SLEBOEUF.006A :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 18, 2008 and October 8, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks none of the above items. However, the petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

---

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

[2] See MPEP 711.03(c)(III)(C) and (D).

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or

(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

The previous petitions were only signed by one of the three listed applicants. The signatures of all three applicants are required for revival of the instant application.

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

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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VALENCELL, INC.
SUITE 101
920 MAIN CAMPUS DRIVE
RALEIGH NC 27606-5219

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OFFICE OF PETITIONS

In re Application of	:	
LeBoeuf et al.	:	
Application No. 61/000,181	:	ON PETITION
Filed: October 25, 2007	:	
Attorney Docket No. SLEBOEUF.006A	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 10, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

A provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until midnight of October 25, 2008, when it went abandoned as a matter of law.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

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SEP 15 2008

In re Application of :
MA, Jessica :
Application No. 61/000,462 : DECISION ON PETITION
Filed: October 25, 2007 : TO WITHDRAW
Attorney Docket No. **23083-001** : 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 June 18, 2008.

The request is **NOT APPROVED**.

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

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

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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PATEL & ALUMIT PC**
16830 VENTURA BLVD.
SUITE 360
ENCINO, CA 91436

UNITED STATES PATENT AND TRADEMARK OFFICE

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F. LINDSEY SCOTT
LAW OFFICE OF
F. LINDSEY SCOTT
SUITE B
2329 COIT ROAD
PLANO TX 75075

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APR 15 2009

OFFICE OF PETITIONS

In re Application of :
Ballard, et al. :
Application No. 61/000,542 : DECISION SUPPLEMENT
Filing/ §371(c) Date: 26 October, 2007 :
Attorney Docket No. BPAI-256,001-39316 :

This is a supplement to the 14 April, 2009, decision on the petitions filed on 2 April, 2009, and supplemented on 9 April, 2009, and on 14 April, 2009, to expunge from the application certain materials under the provisions of 37 C.F.R. §1.59, with a request for waiver of regulatory provisions under 37 C.F.R. §1.183.

The decision of 14 April, 2009, is supplemented as follows:

> ***NOTE:*** *The address on the petition is different than that of record.*
>
> *If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted.*
>
> *A courtesy copy of this decision will be mailed to Petitioner.*
>
> *However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.*

The petition under 37 C.F.R. §1.183 is **GRANTED**; and the petition to expunge under 37 C.F.R. §1.59 is **GRANTED to the extent set forth hereinbelow**.

Petitioner is reminded of the duty of Petitioner to retain the information as required for the period of any patent with regard to which such information is submitted—and if it is Petitioner's intention not to do so, Petitioner must inform the Office immediately.

The conditions for a petition pursuant to 37 C.F.R. §1.59 are set forth in the regulation, to wit:

> **§ 1.59 Expungement of information or copy of papers in application file.**
> (a)...
>
> (1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or §41.7(a) of this title.
> (2)Information forming part of the original disclosure (*i.e.*, written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§1.63 and 1.175) will not be expunged from the application file.
>
> (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.
>
> (c)Upon request by an applicant and payment of the fee specified in §1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (*see* §§1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

Guidance in this matter is set forth at MPEP §724.05, which provides in pertinent part:

> **724.05 Petition To Expunge Information or Copy of Papers in Application File [R-6]**
>
> ***
>
> **II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION**
>
> A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 C.F.R. §1.59(b), provided that:
>
> (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
>
> (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who

submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 C.F.R. §1.56; and

(F) the petition fee as set forth in 37 C.F.R. §1.17(g) is included.

A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis. Applicants should note that unidentified information that is a trade secret, proprietary, or subject to a protective order that is submitted in an Information Disclosure Statement may inadvertently be placed in an Office prior art search file by the examiner due to the lack of such identification and may not be retrievable.

***

IV. INFORMATION FORMING PART OF THE ORIGINAL DISCLOSURE

A petition to expunge a part of the original disclosure must be filed under 37 C.F.R. §1.183, since such a request requires a waiver of the requirements of 37 C.F.R. §1.59(a). Petitions under 37 C.F.R. §1.183 should be directed to the Office of Petitions. The petition must explain why justice requires waiver of the rules to permit the requested material to be expunged. It should be noted that petitions to expunge information which is a part of the original disclosure, such as the specification and drawings, will ordinarily not be favorably entertained. The original disclosures of applications are scanned for record keeping purposes. Accordingly, the grant of a petition to expunge information which is part of the original disclosure would require that the USPTO record of the originally filed application be changed, which may not be possible.

***

Thus, the petition herein must include:

(1) a petition under 37 C.F.R. §1.183, requesting waiver of the requirements of 37 C.F.R. §1.59(a);

(2) a showing demonstrating that justice requires waiver of the rules to permit the requested material to be expunged, and

(3) the required petition fee (37 C.F.R. §1.17(f)).

BACKGROUND

The record reflects that:

- Petitioner avers that that the specification as filed on 26 October, 2007, contained a signature page (typed number (at the top) page "4," and hand-number (at the bottom) page "5" of 20) that included in error personal financial information of the inventors—to wit: "social security numbers *** unintentionally submitted in a hasty filing" in the application, none of which has bearing or relevance to the patentability or scope of subject matter of the application. The information inadvertently submitted has not otherwise been publicly disclosed.

- It has come to the notice of the Office that in submitting the petition herein, Petitioner improvidently included therewith on 2 April, 2009, an unredacted copy of signature page discussed above.

Thus, Petitioner seeks to replace (the typed numbered (at the top)) page "4" (also and hand-number (at the bottom) page "5" of 20) filed on 26 October, 2008, and again on 2 April, 2009, and that included in error personal financial information of the inventors with redacted version filed contemporaneously with the petition on 9 April, 2009.

From the averment set forth in the petition, the indication is that the discussion at MPEP §724.05(II) is applicable here.

(The Office will not return documents from a/the physical file because it is Office policy not to remove paper from files that have been scanned. Even if a petition "to expunge" is granted as to one or more documents with regard to an application or patent, the image of the recorded document will remain in the records of the Office. However, the Office will close the images in the application or patent that was the subject of the petition so that no information about the recorded document will appear when someone searches for the application or patent number in the electronic file.)

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]

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.

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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). See specifically, the regulations at 37 C.F.R. §10.18.

CONCLUSION

The petitions are **granted** to the extent that the Office will expunge (close) the inventor signature page (the typed numbered (at the top) page "4" (also hand-numbered (at the bottom) page "5" of 20) as filed on 26 October, 2008, and again on 2 April, 2009, that included in error personal financial information of the inventors—and replace that page with the redacted version filed contemporaneously with the petitions on 9 April, 2009.

Once again, Petitioner is reminded of the duty of Petitioner to retain the information as required for the period of any patent with regard to which such information is submitted—and if it is Petitioner's intention not to do so, Petitioner must inform the Office immediately.

The application file is being referred to the Office of Patent Application Processing for correction of the PTO archival record.

Petitioner will wish to consult the image file wrapper (IFW) and the Office of Patent Application Processing to ensure a result consistent with the instant decision.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions
cc:
SHIRLEY A. KOPECKY
BP AMERICA INC.
ATTN: DOCKET CLERK, BP LEGAL, M.C. 5 EAST
4101 WINFIELD ROAD

---

[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.

WARRENVILLE, IL 60555

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Donald Spencer
417 Fern Rd.
Orwigsburg PA 17961

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OFFICE OF PETITIONS

In re Application of :
Donald Spencer :
Application No. 61/001125 :
Filing or 371(c) Date: 10/31/2007 :
Title of Invention: EASY CUT AKA FOOT :
OPERATED NAIL CLIPPER : ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed September 18, 2008.

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 December 27, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned February 28, 2008. A Notice of Abandonment was mailed September 9, 2008.

Applicant files the present petition and drawings in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee, and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

TRIVASCULAR2, INC.
3910 BRICKWAY BOULEVARD
SANTA ROSE, CA 95403

In re Application of :
Daniel **BEARER** :
Application No. 61/001,360 : DECISION ON PETITION
Filed: October 31, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **2002-2** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2008, 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 December 31, 2007. 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 February 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee of $5 and the surcharge fee of $25; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Paul J. Fordenbacher appearing on the correspondence 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. If Mr. Fordenbacher desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence 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: **PAUL J. FORDENBACHER**
SILICON FOREST PATENT GROUP
11876 NW TYLER COURT
PORTLAND, OR 97229

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PAUL J. FORDENBACHER
SILICON FOREST PAENT GROUP
11876 NW TYLER COURT
PORTLAND, OR 97729

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SEP 21 2009

OFFICE OF PETITIONS

In re Application of :
Patrick **BERGER** :
Application No. 61/001,361 : DECISION ON PETITION
Filed: October 31, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **BER-2.001PR** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2008, 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 December 31, 2007. 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 February 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee of $5 and the surcharge fee of $25; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

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

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LORRAINE PAPINEAU
2996 ST. ARMAND RD.
SWANTON VT 05488

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NOV 12 2008

In re Application of	:	
Lorraine Papineau	:	
Application Number: 61/001380	:	LETTER DISMISSING
Filing Date: 11/02/2007	:	PETITION TO WITHDRAW
For: JEWL - MATE A.K.A. BOARD USED FOR MAKING HEMP STRING JEWELRY	:	HOLDING OF ABANDONMENT

This is a decision in reference to the paper filed on September 29, 2008, which is treated as a petition requesting that the holding of abandonment be withdrawn.

The petition is **DISMISSED** for the reasons stated below.

This application became abandoned on February 27, 2008, for failure to submit a timely response to the Notice to File Corrected Application Papers mailed on December 26, 2007, 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 September 5, 2008.

The petition cannot be considered on the merits because it is unsigned. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application.

With regard to petitioner's assertion that the Notice to File Corrected Application Papers was not received, a review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Provisional Application ("Notice") mailed on December 26, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may

be overcome by showing that the Notice mailed on December 26, 2007, was not in fact received.

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log;

calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (*e.g.*, if the practitioner has a history of not receiving Office actions).

Petitioner notes that the state code in the correspondence address on the Notice mailed on December 26, 2007 is incorrectly indicated as "CA" instead of "VT." A review of the Provisional Application Cover sheet filed with the original application papers reveals that the state code provided for the correspondence address was VT. While the correspondence address has been corrected in Office records, it is noted that all other correspondence address information, including the ZIP code, appears to be correct. Further, petitioner concededly received the Notice of Abandonment mailed on September 5, 2008, which was mailed to the same address as the Notice to File Missing Parts of Provisional Application mailed on December 26, 2007.

Accordingly, sufficient proof that the Notice to File Missing Parts of Provisional Application mailed on December 26, 2007, was not received must be provided with any renewed petition. Applicant should file a new petition signed by the inventor or her representative. No additional petition fee is due.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to 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 Director 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).

A copy of the Notice to File Missing Parts of Provisional Application mailed on December 26, 2007, has been enclosed for petitioner's reference in preparing the required reply. Petitioner should note that the fee amounts may have changed since the mailing of the Notice mailed on December 26, 2007, and should check the enclosed fee schedule to verify the current amounts due.

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

The petition is **DISMISSED.**

Any request for reconsideration must be filed within **ONE (1) MONTH** of the date of this decision. **This time period may not be extended.**[1]

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

By mail: Mail Stop Petition

[1] 37 CFR 1.181(f).

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 related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cf: Notice mailed on December 26, 2007
PTO/SB/64
Current Fee Schedule

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
61/001,380	11/02/2007	Lorraine Papineau	

CONFIRMATION NO. 9049

Lorraine Papineau
2996 St. Armand Rd.
Swanton, CA 05488

FORMALITIES LETTER

OC000000027333026

Date Mailed: 12/26/2007

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 statutory basic filing fee is insufficient.
  Applicant must submit **$5** *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 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 notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$30** for a small entity
- **$5** 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

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.

/dalyon/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

PTO/SB/64 (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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
Effective October 2, 2008

Any fee amount paid on or after October 2, 2008, must be paid as shown in the revised fee schedule.
The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.
For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Application Filing Fees				
1011/2011	1.16(a)(1)	Basic filing fee - Utility ***filed on or after December 8, 2004***	330.00	165.00
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) ***filed on or after December 8, 2004***	N/A	82.00
1001/2001	1.16(a)(2)	Basic filing fee - Utility ***filed before December 8, 2004***	850.00	425.00
1201/2201	1.16(h)	Independent claims in excess of three	220.00	110.00
1202/2202	1.16(i)	Claims in excess of 20	52.00	26.00
1203/2203	1.16(j)	Multiple dependent claim	390.00	195.00
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00	65.00
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	270.00	135.00
1012/2012	1.16(b)(1)	Basic filing fee - Design ***filed on or after December 8, 2004***	220.00	110.00
1002/2002	1.16(b)(2)	Basic filing fee - Design ***filed before December 8, 2004***	380.00	190.00
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) ***filed on or after December 8, 2004***	220.00	110.00
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) ***filed before December 8, 2004***	380.00	190.00
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	270.00	135.00
1013/2013	1.16(c)(1)	Basic filing fee - Plant ***filed on or after December 8, 2004***	220.00	110.00
1003/2003	1.16(c)(2)	Basic filing fee - Plant ***filed before December 8, 2004***	600.00	300.00
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	270.00	135.00
1014/2014	1.16(e)(1)	Basic filing fee - Reissue ***filed on or after December 8, 2004***	330.00	165.00
1004/2004	1.16(e)(2)	Basic filing fee - Reissue ***filed before December 8, 2004***	850.00	425.00
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) ***filed on or after December 8, 2004***	330.00	165.00
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) ***filed before December 8, 2004***	850.00	425.00
1204/2204	1.16(h)	Reissue independent claims in excess of three	220.00	110.00
1205/2205	1.16(i)	Reissue claims in excess of 20	52.00	26.00
1084/2084	1.16(s)	Reissue Application Size Fee – for each additional 50 sheets	270.00	135.00
1005/2005	1.16(d)	Provisional application filing fee	220.00	110.00
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	270.00	135.00
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00	25.00
1053	1.17(i)	Non-English specification	130.00	
Patent Search Fees				
1111/2111	1.16(k)	Utility Search Fee	540.00	270.00
1112/2112	1.16(l)	Design Search Fee	100.00	50.00
1113/2113	1.16(m)	Plant Search Fee	330.00	165.00
1114/2114	1.16(n)	Reissue Search Fee	540.00	270.00
Patent Examination Fees				
1311/2311	1.16(o)	Utility Examination Fee	220.00	110.00
1312/2312	1.16(p)	Design Examination Fee	140.00	70.00
1313/2313	1.16(q)	Plant Examination Fee	170.00	85.00
1314/2314	1.16(r)	Reissue Examination Fee	650.00	325.00
Patent Post-Allowance Fees				
1501/2501	1.18(a)	Utility issue fee	1,510.00	755.00
1502/2502	1.18(b)	Design issue fee	860.00	430.00
1503/2503	1.18(c)	Plant issue fee	1,190.00	595.00
1511/2511	1.18(a)	Reissue issue fee	1,510.00	755.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	
1505	1.18(d)	Publication fee for republication	300.00	

† The 4000 series fee code may be used via EFS-Web at *www.uspto.gov/ebc/efs/.*

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Maintenance Fees				
1551/2551	1.20(e)	Due at 3.5 years	980.00	490.00
1552/2552	1.20(f)	Due at 7.5 years	2,480.00	1,240.00
1553/2553	1.20(g)	Due at 11.5 years	4,110.00	2,055.00
	1.20(h)	Surcharge - Late payment within 6 months	130.00	65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable	700.00	
1558	1.20(i)(2)	Surcharge after expiration - Late payment is unintentional	1,640.00	
Miscellaneous Patent Fees				
1801/2801	1.17(e)	Request for Continued Examination (RCE) (see 37 CFR 1.114)	810.00	405.00
1808	1.17(i)	Processing fee, except in provisional applications	130.00	
1803	1.17(i)	Request for voluntary publication or republication	130.00	
1802	1.17(k)	Request for expedited examination of a design application	900.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action	920.00*	
1805	1.17(o)	Request for publication of SIR - After examiner's action	1,840.00*	
1806	1.17(p)	Submission of an Information Disclosure Statement	180.00	
1807	1.17(q)	Processing fee for provisional applications	50.00	
1809/2809	1.17(r)	Filing a submission after final rejection (see 37 CFR 1.129(a))	810.00	405.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b))	810.00	405.00
Post Issuance Fees				
1811	1.20(a)	Certificate of correction	100.00	
1812	1.20(c)(1)	Request for ex parte reexamination	2,520.00	
1813	1.20(c)(2)	Request for inter partes reexamination	8,800.00	
1821/2821	1.20(c)(3)	Reexamination independent claims in excess of three	220.00	110.00
1822/2822	1.20(c)(4)	Reexamination claims in excess of 20	52.00	26.00
1814/2814	1.20(d)	Statutory disclaimer	140.00	70.00
Patent Extensions of Time Fees				
1251/2251	1.17(a)(1)	Extension for response within first month	130.00	65.00
1252/2252	1.17(a)(2)	Extension for response within second month	490.00	245.00
1253/2253	1.17(a)(3)	Extension for response within third month	1,110.00	555.00
1254/2254	1.17(a)(4)	Extension for response within fourth month	1,730.00	865.00
1255/2255	1.17(a)(5)	Extension for response within fifth month	2,350.00	1,175.00
Patent Appeals/Interference Fees				
1401/2401	41.20(b)(1)	Notice of appeal	540.00	270.00
1402/2402	41.20(b)(2)	Filing a brief in support of an appeal	540.00	270.00
1403/2403	41.20(b)(3)	Request for oral hearing	1,080.00	540.00
Patent Petition Fees				
1462	1.17(f)	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400.00	
1463	1.17(g)	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200.00	
1464	1.17(h)	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	130.00	
1451	1.17(j)	Petition to institute a public use proceeding	1,510.00	
1452/2452	1.17(l)	Petition to revive unavoidably abandoned application	540.00	270.00
1453/2453	1.17(m)	Petition to revive unintentionally abandoned application	1,620.00	810.00
1454	1.17(t)	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,410.00	
1455	1.18(e)	Filing an application for patent term adjustment	200.00	
1456	1.18(f)	Request for reinstatement of reduced term	400.00	
1457	1.20(j)(1)	Extension of term patent	1,120.00	
1458	1.20(j)(2)	Initial application for interim extension (see 37 CFR 1.790)	420.00	
1459	1.20(j)(3)	Subsequent application for interim extension (see 37 CFR 1.790)	220.00	

* Reduced by basic filing fee paid.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
PCT Fees - National Stage				
1631/2631	1.492(a)	Basic National Stage Fee	330.00	165.00
1641/2641	1.492(b)(2)	National Stage Search Fee - U.S. was the ISA	100.00	50.00
1642/2642	1.492(b)(3)	National Stage Search Fee - search report prepared and provided to USPTO	430.00	215.00
1632/2632	1.492(b)(4)	National Stage Search Fee - all other situations	540.00	270.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	220.00	110.00
1614/2614	1.492(d)	Claims - extra independent (over three)	220.00	110.00
1615/2615	1.492(e)	Claims - extra total (over 20)	52.00	26.00
1616/2616	1.492(f)	Claims - multiple dependent	390.00	195.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	270.00	135.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.00	65.00
1618	1.492(i)	English translation after 30 months from priority date	130.00	
PCT Fees - International Stage				
1601	1.445(a)(1)	Transmittal fee	300.00	
1602	1.445(a)(2)	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	1,800.00	
1604	1.445(a)(3)	Supplemental search fee when required, per additional invention	1,800.00	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.00	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.00	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.00	
1619		Late payment fee	VARIABLE	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.00	
PCT Fees to Foreign Offices *				
1701		International filing fee (first 30 pages) – filed in paper w/ PCT Easy zip file or electronically w/o PCT Easy zip file	1,237.00	
1702		International filing fee (first 30 pages)	1,338.00	
1703		Supplemental international filing fee (for each page over 30)	15.00	
1704		International search (EPO)	2,665.00	
1705		Handling fee	171.00	
1706		Handling fee – 90% reduction, if applicant(s) meets criteria specified at: *www.wipo.int/pct/en/fees/fee_reduction.pdf*	17.10	
1708		International CD applications	6,000.00	
1709		International search (KIPO)	244.00	
1710		International filing fee (first 30 pages) – filed electronically w/ PCT Easy zip file	1,137.00	
Patent Enrollment Fees				
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.00	
9003	1.21(a)(2)	Registration to practice or grant limited recognition under §11.9(b) or (c)	100.00	
9004	1.21(a)(3)	Reinstatement to practice	40.00	
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.00	
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.00	
9010	1.21(a)(1)(ii)(A)	For test administration by commercial entity	200.00	
9011	1.21(a)(1)(ii)(B)	For test administration by the USPTO.	450.00	
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.00	
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.00	
9014	1.21(a)(10)	Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h)	1,600.00	
9024	1.21(k)	Unspecified other services, excluding labor	AT COST	

* PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the *Official Gazette of the United States Patent and Trademark Office* for current amounts.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Patent Service Fees			
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00
8003	1.19(a)(2)	Printed copy of plant patent in color	15.00
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00
8005	1.19(a)(1)	Patent Application Publication (PAP)	3.00
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed	20.00
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	200.00
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00
8010	1.19(b)(1)(i)(D)	Certification of patent-related file wrapper and (paper) contents	25.00
8011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)	55.00
8012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	15.00
8041	1.19(b)(2)(i)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order	55.00
8042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A)	15.00
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium	55.00
8013	1.19(b)(3)	Copy of office records, except copies of applications as filed	25.00
8014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	25.00
8904	1.19(c)	Library service	50.00
8015	1.19(d)	List of U.S. patents and SIRs in subclass	3.00
8016	1.19(e)	Uncertified statement re status of maintenance fee payments	10.00
8017	1.19(f)	Copy of non-U.S. document	25.00
8050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits	AT COST
8019	1.21(d)	Local delivery box rental, annually	50.00
8020	1.21(e)	International type search report	40.00
8902	1.21(g)	Self-service copy charge, per page	0.25
8021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	40.00
8022	1.21(i)	Publication in *Official Gazette*	25.00
8023	1.21(j)	Labor charges for services, per hour or fraction thereof	40.00
8024	1.21(k)	Unspecified other services, excluding labor	AT COST
8025	1.21(l)	Retaining abandoned application	130.00
8026	1.21(n)	Handling fee for incomplete or improper application	130.00
8027	1.296	Handling fee for withdrawal of SIR	130.00

GENERAL FEES

Finance Service Fees			
9201	1.21(b)(1) or 2.6(b)(13)(i)	Establish deposit account	10.00
9202	1.21(b)(2) or 2.6(b)(13)(ii)	Service charge for below minimum balance	25.00
9202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account	25.00
9101	1.21(m) or 2.6(b)(12)	Processing each payment refused or charged back	50.00
Computer Service Fees			
8031/8531		Computer records	AT COST

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Trademark Processing Fees *			
6001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	325.00
7007	2.6(a)(1)(iii)	Application for registration, per international class (electronic filing, TEAS Plus)	275.00
6002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	100.00
6003/7003	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	100.00
6004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
6005/7005	2.6(a)(15)	Petitions to the Director	100.00
6006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.00
6008/7008	2.6(a)(1)(iv)	Additional fee for application that doesn't meet TEAS Plus filing requirements, per class	50.00
6201/7201	2.6(a)(5)	Application for renewal, per class	400.00
6203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.00
6204	2.6(a)(21)	Correcting a deficiency in a renewal application	100.00
6205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	100.00
6206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.00
6207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.00
6208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.00
6210	2.6(a)(7)	Publication of mark under § 12(c), per class	100.00
6211	2.6(a)(8)	Issuing new certificate of registration	100.00
6212/7212	2.6(a)(9)	Certificate of correction, registrant's error	100.00
6213	2.6(a)(10)	Filing disclaimer to registration	100.00
6214	2.6(a)(11)	Filing amendment to registration	100.00
6401/7401	2.6(a)(16)	Petition for cancellation, per class	300.00
6402/7402	2.6(a)(17)	Notice of opposition, per class	300.00
6403/7403	2.6(a)(18)	Ex parte appeal, per class	100.00
Trademark Madrid Protocol Fees *			
6901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.00
6902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.00
6903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
6904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.00
6905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.00
6906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
6907/7907	7.6(a)(7)	Transmitting a subsequent designation	100.00
Trademark Service Fees			
8501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
8503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.00
8504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.00
8507	2.6(b)(2)	Certified copy of trademark application as filed	15.00
8508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
8513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.00
8514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.00
8902	2.6(b)(9)	Self-service copy charge, per page	0.25
8521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40.00
8522	2.6(b)(6)	For second and subsequent marks in the same document	25.00
8523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40.00
8524	2.6(b)(11)	Unspecified other services, excluding labor	AT COST
Fastener Quality Act Fees			
6991	2.7(a)	Recordal application fee	20.00
6992	2.7(b)	Renewal application fee	20.00
6993	2.7(c)	Late fee for renewal application	20.00
6994	2.7(a)	Application fee for reactivation of insignia, per request	20.00

* The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at *www.uspto.gov/teas/*.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

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

Dorothy L. Johnson
178 Stratton Lane
Mt. Laurel, NJ 08054

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JUN 0 9 2008

In re Application of Johnson :
Application No. 61/002,113 : Decision on Petition
Filing Date: See below :
For: The Tracking Belt :

This is a decision on the petition filed January 28, 2008, to accord the above-identified application a filing date of November 6, 2007.

The petition is **dismissed**.

Application papers were deposited on November 6, 2007.

The application papers did not include a specification.

On January 22, 2008, the Office of Initial Patent Examination mailed a Notice stating that a specification was not present and that a filing date had not been accorded. The Notice the filing date would be the date of receipt of the specification unless a petition for an earlier filing date was filed and granted.

Petitioner filed a specification on January 28, 2008. The second page of the specification states, "I am enclosing $405 so I can keep my original filing date o[f] 11/6/07."

The filing date *cannot* be earlier than the date the date a specification is filed. Therefore, in order to obtain a filing date of November 6, 2007, petitioner must prove a specification was filed November 6, 2007. However, petitioner has not provided any evidence to indicate a specification was filed November 6, 2007. In fact, petitioner does not even assert a specification was filed November 6, 2007.

Since petitioner has failed to prove a specification was filed November 6, 2007, the petition will not be granted.

The Office of Patent Examination Processing will be informed of the instant decision and will process the application with a filing date of January 28, 2008, the date the specification was supplied, using the application papers filed on November 6, 2007, and the 2 pages of specification filed on January 28, 2008.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 25 2010

OFFICE OF PETITIONS

JAMES REGINALD HARRIS, JR.
UNIT B
215 10TH STREET
ST. AUGUSTINE, FL 32080

In re Application of :
JAMES REGINALD HARRIS, JR. :
Application No. 61/002,130 : RESPONSE
Filed: November 7, 2007 :
Attorney Docket No. N/A :

This is in response to the petition filed July 6, 2009 in the above-identified application.

The petition is **DISMISSED** without being considered on the merits.

It is noted that the petition filed on July 6, 2009 is considered to be a petition for revival of an abandoned application for patent. However, as petitioner appears to have indicated both "unavoidable + unintentional delay", it is not clear whether petitioner intended for the petition to be treated under 37 CFR 1.137(a) based upon unavoidable delay or under 37 CFR 1.137(b) based upon unintentional delay.

If petitioner intended the petition filed July 6, 2009 to be treated under 37 CFR 1.137(a), then 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 unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $540. 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.

If petitioner intended the petition filed July 6, 2009 to be treated under 37 CFR 1.137(b), then 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 $1,620. 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.

Since the petition filed July 6, 2009 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.

Applicant is advised that a grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply to the "Notice to File Missing Parts of Provisional Application" mailed December 27, 2007 in the form of the basic statutory filing fee under 37 CFR 1.16(d) of $210.00 if non-small entity (or one-half that amount if applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee) and the surcharge (for late submission of filing fee) under 37 CFR 1.16(g) of $50.00 (or one-half that amount if applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee); (2) the petition fee under 37 CFR 1.17(l) of $540.00 if non-small entity (or one-half that amount if applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee); and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. Petition Form PTO/SB/61 for revival based upon the unavoidable standard can be found on the United States Patent and Trademark Office's website.

Applicant is also advised that a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply to the "Notice to File Missing Parts of Provisional Application" mailed December 27, 2007 in the form of the basic statutory filing fee under 37 CFR 1.16(d) of $210.00 if non-small entity (or one-half that amount if applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee(and the surcharge (for late submission of filing fee) under 37 CFR 1.16(g) of $50.00 (or one-half that amount if applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee); (2) the petition fee under 37 CFR 1.17(m) of $1,620.00 if non-small entity (or one-half that amount if applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee); and (3) a proper statement of unintentional delay. Petition Form PTO/SB/64 for revival based upon the unintentional standard can be found on the United States Patent and Trademark Office's website.

The two petitions are similar but have very different standards. Petitions under the unavoidable standard are less expensive; however, the showing that must be made is more rigorous. You should further note that where there has been an extended period of delay, the Commissioner may inquire as to the circumstances of that 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 fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A courtesy copy of this Response is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

By hand: Customer 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) 272-3687.

Anthony Knight
Supervisor
Office of Petitions

CC JAMES REGINALD HARRIS, JR.
C/O MARY HARRIS
4185 FAIRWAY DRIVE
CEDAR, MI 49621

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

UNIVATION TECHNOLOGIES LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON TX 77056

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APR 25 2008

OFFICE OF PETITIONS

In re Application of :
Lefebvre et al. :
Application No. 61/002159 :
Filing or 371(c) Date: 11/07/2007 : ON PETITION
Attorney Docket Number: :
2007U032.PRV :

This decision is in response to the "Petition for Correction of Inventor Name Pursuant to 37 C.F.R. § 1.182," filed January 3, 2008.

Petitioner asserts that due to a typographical error and without deceptive intent inventor Robert B. Laird's name was incorrectly filed in the present application.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

Applicant is further advised that

- Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or declaration is not required.
  If applicant merely files a statement notifying the Office of the typographical or transliteration error in the spelling of an inventor's name without submitting an

application data sheet or a supplemental application data sheet, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

MPEP 601.05

Applicant states that the inventor's name Randall was incorrectly misspelled as Robert.

The petition is hereby **granted**.

The name of inventor Robert B. Laird has been changed to Randall B. Laird and the name Randall B. Laird 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

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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/002,159	11/07/2007		210	2007U032.PRV		

CONFIRMATION NO. 3570

CORRECTED FILING RECEIPT

25959
UNIVATION TECHNOLOGIES LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON, TX 77056

OC000000029582455

Date Mailed: 04/24/2008

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 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**

Applicant(s)

Robert O. Hagerty, La Porte, TX;
Kevin B. Stavens, Seabrook, TX;
Randall B. Laird, Pasadena, TX;
Zerong Lin, Kingwood, TX;
Michael E. Muhle, Kingwood, TX;
Agapios K. Agapiou, Kingwood, TX;
David M. Glowczwski, Baytown, TX;
Fathi D. Hussein, Cross Lanes, WV;

Power of Attorney:
Leandro Arechederra III--52457

If Required, Foreign Filing License Granted: 12/20/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/002,159**

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods for applying solution catalysts to reactor surfaces

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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

Jane G. Bretschger
19422 Camille Lane
Hammond LA 70401

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DEC 15 2008

In re Application of
Bretschger
Application No. 61/002,255
Filed: November 8, 2007
Title: TOTO Cleansing Cloth

ON PETITION

This is a decision on the petition, filed September 24, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition 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 December 28, 2007. 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 February 29, 2008. A Notice of Abandonment was mailed on September8, 2008.

Petitioner contends the holding of abandonment should be withdrawn because petitioner replied to the Notice on May 21, 2008 as evidenced by the track and confirm. In support petitioner has provided a copy of a US Postal Service Track and Confirm and Delivery Confirmation Receipt and a "replacement check"..

Petitioner's evidence has been considered but deemed to be unpersuasive. Petitioner

has submitted a copy of the reply to the Notice of Non-Compliant Amendment. It is noted the copy of the reply does not contain a certificate of mailing, pursuant to 37 CFR 1.8.[1] Further review of the record shows that neither a post card receipt within the meaning of MPEP 503[2] nor express mail label[3] were supplied as evidence to establish

---

[1] Pursuant to 37 CFR 1.8(b):
In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.
(c) The Office may require additional evidence to determine if the correspondence was timely filed.

[2] The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.
The identifying data on the postcard should be so complete as to clearly identify the item for which a receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will no serve as prima facie evidence of receipt of those items.

[3] Pursuant to 37 CFR 1.10:
(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

the response was timely submitted. See 37 CFR 1.10 and MPEP 503. The Office recognizes mail sent via first class mail with the use of a certificate of mailing and mail sent via express mail.

It should further be noted even if petitioner utilized the provisions of 37 CFR 1.8 or 1.10 the reply time without extensions ended on February 29, 2008. Thus, any reply submitted on May 21, 2008 would have required a three month extension of time and fee in the amount of $525.00.

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), $810.00 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 $810.00 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.

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

DOUGLAS KEETON
206 W. 15 ST.
TRENTON TN 38382-3603

In re Application of
Douglas Keeton et al
Application No. 61/002,564
Filed: November 13, 2007
For: LIGHTING HITCH A.K.A PORTABLE LIGHT BAR

ON PETITION

This is a decision on the petition filed October 7, 2008, which is being treated under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts Of Provisional Application mailed December 26, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1), (2) and (3) above.

As to item (1):

Petitioner submitted a petition entitled: PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f)), form **PTO/SB/64a**, instead of a "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), form **PTO/SB/64**. A copy of form **PTO/SB/64** is enclosed for your convenience.

Since the required surcharge and filing fee were submitted on October 7, 2008, after the revised fee schedule on October 2, 2008, an additional amount of **$5** is required. The fee amount for the filing fee for a provisional at the current rate under small entity is **$110.00** and not $105.00.

As to item (2):

The petition fee for a petition under 37 CFR 1.137(b) at the small entity rate is $810.00 which is required on filing the petition.

As to item (3):

Since an incorrect petition form was submitted on October 7, 2008, the statement provided is not accepted. Additionally, all inventors must sign the petition. The application list two(2) inventors: Douglas Keeton and Shawn Goodrich in which both must sign the petition.

This decision only addresses the petition concerning the above application. If petitioner has concerns regarding another application; a separate paper should be filed in that particular application identifying it by the application number.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Enclosure: Blank form PTO/SB/64
Copy of Notice mailed December 26, 2007

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
61/002,564	11/13/2007	Douglas Keeton	

CONFIRMATION NO. 6449

Douglas Keeton
206 W. 15 St.
Trenton, TN 38382-3603

FORMALITIES LETTER

OC000000027413818

Date Mailed: 12/26/2007

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 statutory basic filing fee is insufficient.
  *Applicant must submit **$5** 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 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 notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$30** for a small entity
- **$5** 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

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.

/tnguyen/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAM P. CURTIS
171 NORTH ROUSE AVENUE
MUNDELEIN IL 60060

COPY MAILED
DEC 02 2008

In re Application of	:	
William P. Curtis	:	
Application No. 61/002,839	:	DECISION ON PETITION
Filed: November 13, 2007	:	
For: VARIOUS VALVE TRAIN IMPROVEMENTS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2008, 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 fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed January 3, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

COPY MAILED

OCT 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Wiley, et al. :
Application No. 61/002,982 : DECISION
Filed/Deposited: 14 November, 2008 :
Attorney Docket No. 080264

This is a decision on the petition filed on 28 August, 2009, requesting that the above-identified application be accorded a filing date of 13 November, 2007, rather than the presently accorded date of 14 November, 2007.

The petition is **DISMISSED**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on 13 November, 2007, pursuant to 37 C.F.R. §1.10. While the copy of the Express Mail Label Receipt No. EQ424982468US bears no "date-in," an no USPS receipt date stamp. Petitioner avers that the date of mailing shown on the paper tape receipt ("11/13/07 08:10 AM") is the proper "date-in." and the correct date of mailing pursuant to 37 C.F.R. §1.10 is 13 November, 2007.

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. (See: MPEP §513.)

Petitioner's attention is directed to the provision of 37 C.F.R. §1.10(d), which provide:

***

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

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

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

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

***

Petitioner has failed to satisfy Items (1) and (3), above. (While Petitioner appears not to have placed the Express Mail number on the transmittal (Item (2)), the number does appear on the first (title) page of the specification.)

As to Promptness

The application was deemed by the Office to have been deposited on 14 November, 2007.

The Office mailed a filing receipt on 24 December, 2007.

Petitioner waited until 18 December, 2008— more than thirteen (13) months after filing and nearly twelve (12) months after the filing receipt was mailed—to seek a corrected filing receipt and more than eight (8) months after that to file the instant petition.

The instant petition was not filed "promptly."

As to a Showing

The USPS Express Mail label is not executed by the USPS and the paper tape receipt presented does not bear the Express Mail label number (EQ424982468US) to link the package bearing that label number to the transaction represented on the paper tape. Notably, in advance of submitting this petition, Petitioner could have requested and obtained from the USPS Track & Confirm website a detailed report as to the details of acceptance for shipment through delivery, but

Petitioner appears not to have elected to do so. The Office has requested that information from the USPS, however, as of this writing the reply has not been received.

Thus, the showing at this writing is insufficient under the Rule as set forth above.

The petition is **dismissed**. The fee is not waived.

Telephone inquiries related to the Office of Patent Application Processing (OPAP) should be directed to their hotline at (571) 272-4100.

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[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

RICHARD PIMU Station APC 2
4600 PARADISE BLVD
ALBUQUERQUE, NM 87114-4133
11/13/07 08:10AM

Transaction Number 1
USPS® # 340142-9557

1. Express Mail® service,
   with 100.00 insurance 24.50**
   Destination: 22313
   Weight: 2 lb. 2.00 oz.
   Total Cost: 24.50
   Base Rate: 24.50
   No weekend delivery
   * Guaranteed delivery tomorrow by noon if you mail it here before 5:05PM today.

Subtotal 24.50
Total Charged 24.50

VISA 24.50

<23-901810036-99>

VISA
ACCT. NUMBER TRANS # AUTH
XXXX XXXX XXXX 9885 757 807840

** Delivery date may be affected by the time tendered to the Postal Service™ in addition to weekend and holiday operational hours and transportation availability.

To check on the delivery status of your Express Mail® article, visit our Track & Confirm website at www.usps.com, use this Automated Postal Center® (or any Automated Postal Center® at other Postal locations) or call 1-800-222-1811.

Please retain all receipts from affixed forms. For inquiries or service failure refunds, both the sales receipt and the customer copy from the affixed form shall be required.

Thanks.
It's a pleasure to serve you.

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REFUNDS FOR GUARANTEED SERVICES ONLY.

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UNITED STATES POSTAL SERVICE®
Post Office To Addressee
Customer Copy
Label 11-B, March 2004

Ed 424682468 US

DELIVERY (POSTAL USE ONLY)
Delivery Attempt: Time AM PM Employee Signature
Delivery Attempt: Time AM PM Employee Signature
Delivery Date: Time AM PM Employee Signature
CUSTOMER USE ONLY
WAIVER OF SIGNATURE (Domestic Mail Only)
PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.
Federal Agency Acct. No. or Postal Service Acct. No.
NO DELIVERY
Weekend Holiday
Customer Signature

PO ZIP Code
Day of Delivery
Flat Rate or Weight
Postage
Return Receipt Fee
Insurance Fee
COD Fee
Total Postage & Fees
Acceptance Emp. Initials

FROM: (PLEASE PRINT) PHONE (505) 899-0269
Dennis F. Armijo, Esq.
DENNIS F. ARMIJO, P.C.
6300 Montano Rd., NW, Suite D
Albuquerque, NM 87120

TO: (PLEASE PRINT) PHONE ( )
MAIL STOP PROVISIONAL PATENT
APPLICATION
PO BOX 1450
Alexandria, VA 22313-1450

FOR PICKUP OR TRACKING
Visit: WWW.USPS.COM
Call: 1-800-222-1811

For pickup, schedule online or call 1-800-222-1811.
Domestic insurance up to $100 is free; higher value is available for a fee.
See Domestic Mail Manual at http://pe.usps.com for availability and limitations of coverage.
International coverage is limited—see International Mail Manual at http://pe.usps.com.
Limited international insurance is free.
When shipping internationally, you may need to complete a customs declaration form.
Consult your local Postal Service for more information.
No extra charges for delivery to mailbox, except Saturday or holiday delivery.
Express Mail service includes these options at no extra charge:
• Free Package Intercept after mailing
• Free Express Mail Label Reprint
• Free Express Mail Corporate Account
• Free Express Mail Merchandise Insurance Program
• Free Express Mail Shipper-Paid Program
• Free Express Mail Custom Designed Service
• Free Express Mail Target Delivery
• Free Express Mail Same Day Airport Service
• Free Express Mail Military Service
• Free Express Mail Document Reconstruction
• Free Express Mail Store Drop Shipment Service
• Free Express Mail Business Reply Service
• Free Express Mail Sunday/Holiday Delivery
• Free Express Mail Hold For Pickup
• Free Express Mail Call Tag Service
• Free Express Mail Letter Size Envelopes
• Free Express Mail Flat Rate Envelopes
• Free Express Mail Label Broker Service
• Free Express Mail Shipping Supplies
• Free Express Mail Custom Delivery Service
• Free Express Mail Pickup Service
• Free Express Mail Delivery Confirmation Service
• Free Express Mail Electronic Verification System (PEVS)
• Free Express Mail Online Tracking
• Free Express Mail Open and Distribute
• Free Express Mail Unique Identification Codes (UIC)
• Free Express Mail Return Receipt for Merchandise Service
• Free Express Mail Return Shipment Service
• Free Express Mail Parcel Locker Service
• Free Express Mail Premium Forwarding Service
• Free Express Mail Package Intercept Service
• Free Express Mail Address Enhancement Service
• Free Express Mail Change of Address Service
• Free Express Mail Hold Mail Service
• Free Express Mail Premium Forwarding Service
• Free Express Mail Package Intercept Service
• Free Express Mail Address Enhancement Service
• Free Express Mail Change of Address Service
• Free Express Mail Hold Mail Service

U.S. PTO
61/002982
11/14/2007

111407 18334 U.S. PTO

PTO/SB/16 (02-07)
Approved for use through 02/28/2007. 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. EQ 424982468 US

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
George Alan	Wiley	San Diego, California
Brian	Steele	Lafayette, Colorado
Shashank	Shekhar	Erie, Colorado
Laura	Randall	Boulder, Colorado

Additional inventors are being named on the _____ *separately numbered sheets attached hereto*

TITLE OF THE INVENTION (500 characters max):

HIGH DATA RATE INTERFACE APPARATUS AND METHOD

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☑ The address corresponding to Customer Number: 23696

OR

☑ Firm or Individual Name Richard A. Bachand

Address 5775 Morehouse Dr. T-160o

City San Diego	State California	Zip 92121-1714
Country US	Telephone 858-761-3891	Email rbachand@qualcomm.com

ENCLOSED APPLICATION PARTS *(check all that apply)*

☐ Application Data Sheet. See 37 CFR 1.76

☐ CD(s), Number of CDs _____

☑ Drawing(s) *Number of Sheets* _____

☐ Other (specify) _____

☑ Specification (e.g. description of the invention) *Number of Pages* _____

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: 01-2335. A duplicative copy of this form is enclosed for fee processing.

730.00

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR UNITED STATES

PROVISIONAL PATENT

HIGH DATA RATE INTERFACE APPARATUS AND METHOD

INVENTORS

GEORGE ALAN WILEY, San Diego, CA

BRIAN STEELE, Lafayette, CO

SHASHANK SHEKHAR, Erie, CO

LAURA RANDAL, Boulder, CO

EXPRESS MAIL NO.: EQ 424982468 US

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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

COPY MAILED
MAR 22 2010

In re Application of :
Wiley, et al. :
Application No. 61/002,982 : DECISION
Filed/Deposited: 14 November, 2008 :
Attorney Docket No. 080264

This is a decision on the petition filed on 10 November, 2009, requesting that the above-identified application be accorded a filing date of 13 November, 2007, rather than the presently accorded date of 14 November, 2007.

The petition is **DISMISSED**.

This is the second occasion on which Petitioner has filed a petition to obtain an earlier filing date than presently accorded—again on the contention that the application was deposited with Express Mail Service on 13 November, 2007, pursuant to 37 C.F.R. §1.10. The copy of the Express Mail Label Receipt No. EQ424982468US bears no "date-in," an no USPS receipt date stamp. Nonetheless, Petitioner avers that the date of mailing shown on the paper tape receipt ("11/13/07 08:10 AM") is the proper "date-in." and the correct date of mailing pursuant to 37 C.F.R. §1.10 is 13 November, 2007.

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. (See: MPEP §513.) The regulations at 37 C.F.R. §1.10(d), provide:

***

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

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

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

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

***

Petitioner failed to satisfy Items (1) and (3), above. Petitioner did not place the Express Mail number on the transmittal (Item (2)). The number appeared on the first (title) page of the specification; there was, however, no certificate of mailing.

As to Promptness

The application was deemed by the Office to have been deposited on 14 November, 2007. The Office mailed a filing receipt on 24 December, 2007. Petitioner waited until 18 December, 2008— more than thirteen (13) months after filing and nearly twelve (12) months after the filing receipt was mailed—to seek a corrected filing receipt and more than eight (8) months after that to file the instant petition. The instant petition was not filed "promptly."

As to a Showing

The USPS Express Mail label is not executed by the USPS and the paper tape receipt presented does not bear the Express Mail label number (EQ424982468US) to link the package bearing that label number to the transaction represented on the paper tape. Notably, in advance of submitting this petition, Petitioner could have requested and obtained from the USPS Track & Confirm website a detailed report as to the details of acceptance for shipment through delivery, but Petitioner appears not to have elected to do so. The Office has requested that information from the USPS, however, USPS responded that there was no record of the tracking number. The petition was dismissed on 2 October, 2009.

On 10 November, 2009, Petitioner re-advanced his petition, this time adding a 21 October, 2009, statement/letter from one who is identified as Anthony Baca, Consumer Affairs Manager,

Albuquerque District, USPS, which statement presents an averment as to the deposit date of the Express Mail package in question. However, there is no documentary support for the averment in or with the statement/letter—i.e., there are no documents that evidence the basis for the statement made.

More to the threshold issue of timeliness: The application was deemed by the Office to have been deposited on 14 November, 2007; the Office mailed a filing receipt on 24 December, 2007; but Petitioner waited until 18 December, 2008, to file the original petition.

The express requirements of 37 C.F.R. §1.10(d)(1) state that "petition is filed promptly ...." This Petitioner did not do.

Thus, the showing at this writing is insufficient under the Rule as set forth above.

The petition is **dismissed**.

The application is released to the Office of Patent Application Processing (OPAP) for any processing necessary consistent with this decision.

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

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[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of
Miles Ward et al
Application No. 61/003,144
Filed: November 13, 2007
Attorney Docket No. VISI-1-1009

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2008, 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 fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed December 21, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MARJAMA MULDOON BLASIAK & SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE NY 13202

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
Iudice, et al. :
Application No. 61/003,606 : DECISION ON PETITION
Filed: November 16, 2007 :
Attorney Docket No. 1480-002 Pro :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned February 7, 2008 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (notice) mailed December 6, 2007. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed. August 15, 2008,

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply to the Notice, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to the Office of Patent Application Processing for further processing.

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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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/003,608	11/17/2007	Les Okrasa	

CONFIRMATION NO. 9390

Cosmic Descent, LLc
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 04/06/2010

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 **11/13/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Donnell Brown
101 Benjamin Avenue
Warner Robins GA 31098-1070

COPY MAILED
DEC 22 2008

In re Application of :
Donnell Brown : ON PETITION
Application No. 61/003,662 :
Filed: November 20, 2007 :
Title: SPORTS SPONGE A.K.A. :
TIME-OUT MAT :

This is in response to applicant's letter filed October 8, 2008, requesting that the Office withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 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). Extensions of time under §1.136(a) are not permitted.

The above-identified application became abandoned for failure to file a response to the NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION mailed January 3, 2008. The Notice required applicants to submit a $5 deficiency in payment of the basic filing fee and a $25 late surcharge. This Notice set a two-month period for applicant to pay the required fee. No response was received. The application became abandoned effective March 4, 2008. A courtesy Notice of Abandonment was mailed on September 11, 2008.

Applicant responds with a letter requesting withdrawal of the holding of abandonment. With the letter, applicant remits $25 with the intent to pay the balance of the fees due. Applicant states no basis for their failure to timely respond to the Notice mailed January 3, 2008. Applicant states that they did not receive the Notice of Abandonment. However, receipt of the

Notice of Abandonment is not relevant to receipt of the Notice to File Missing Parts of Application. A petition to withdraw the holding of abandonment does not require payment of a fee. However, petitioner must show that withdrawal of the holding of abandonment is warranted under their circumstances. Further, if an applicant is requesting withdrawal of the holding of abandonment based on non-receipt of a Notice, applicant must make an adequate showing of non-receipt of that Notice.

A review of the image file wrapper for this application reveals no irregularities in the mailing of the Notice mailed January 3, 2008. Thus, there is a strong presumption that the correspondence was properly mailed to applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner (or pro se applicant) describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner (or pro se applicant) must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) (or pro se applicant's) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be

> submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Applicant has submitted no such evidence.

Thus, it is concluded that the required showing of non-receipt has not been met. Withdrawal of the holding of abandonment on petition under 37 CFR 1.181 is not warranted.

If applicant cannot provide persuasive evidence of non-receipt of the Notice to File Missing Parts of Application mailed January 3, 2008, applicant may submit a petition to revive pursuant to § 1.137. The small entity petition fee for consideration under 37 CFR 1.137 is $810.

Applicant is reminded however that a provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to 37 CFR 1.137. Nonetheless, subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances. This means that 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.

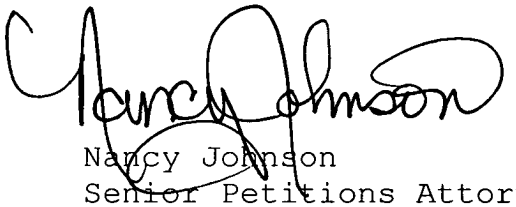
Moreover, applicant is advised that his remittance of $25 is still insufficient. On filing applicant paid $100 for the filing fee. At the time, the basic small entity provisional application filing fee was $105. Accordingly, the Notice required applicant to pay the deficiency of $5 along with $25 for paying late a provisional filing fee. Currently, the basic small entity provisional application filing fee is $110. So in

addition to the $25 already submitted, applicant now owes $10 to cover his deficiency in payment of the basic small entity provisional filing fee.

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 concerning 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

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/004,459	11/27/2007	Les Okrasa	

CONFIRMATION NO. 4879

Cosmic Descent, LLC
29 Belmont Ave.
Enfield, CT 06082

Date Mailed: 04/05/2010

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 **11/26/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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ROCKLAND MA 02370

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FEB 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Abderrahim et al.	:	
Application Number: 61/004480	:	ON PETITION
Filed: 11/28/2007	:	
Attorney Docket Number: 1177 US PRO	:	

This is a decision in reference to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISONAL APPLICATION FILED UNDER 37 CFR 1.53(c) AND PETITION FOR FILING DATE," filed on January 7, 2008, which is treated as a petition, requesting that the above-identified provisional application, including nine (9) sheets of drawings, be accorded a filing date of November 28, 2007.

The petition is **GRANTED**.

The application was filed on November 28, 2007. Accordingly, on January 2, 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 application been deposited without drawings.

In response, on January 7, 2008, the present petition and a copy of nine (9) sheets of drawings were filed. Petitioners argue that nine (9) drawing sheets were filed with the other application papers on November 28, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp dated "112807" and containing the above-identified application number. The postcard receipt identifies the application by the attorney docket number, and acknowledges receipt of, *inter alia*, "Drawing 9 pgs." Petitioners request that the application, including the nine (9) sheets of drawings, be accorded a filing date of November 28, 2007.

A review of the record reveals that no sheets of drawings received on November 28, 2007, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on November 28, 2007, included nine (9) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including nine (9) sheets of drawings, is entitled to a filing date of November 28, 2007.

In view of the above, the petition is granted. The Notice of Incomplete Nonprovisional Application is withdrawn. As the petition was necessitated by an error on the part of the Office, no petition fee is due. The petition fee will be credited to petitioner's deposit account.

The application will be processed with the copy of the nine (9) sheets of drawings supplied on January 7, 2008, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of November 28, 2007, using the application papers filed on that date, and the copy of nine (9) sheets of drawings supplied with the present petition, and for an indication in Office records that nine (9) sheets of drawings was present on filing.

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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GARY ALLEN
6930 SOUTH SHORE DRIVE #922
CHICAGO, IL 60649

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Gary Allen :
Application No. 61/004,594 :
Filed: November 29, 2007 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 2009, to revive the above-identified application.

The petition is **DISMISSED as MOOT**.

Under section 201.04(b)(C) Provisional Application states that 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). Public Law 106-113 amended 35 U.S.C. 119(e)(3) to extend the period of pendency of a provisional application to the next succeeding business day if the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia. See also 37 CFR 1.7(b). 35 U.S.C. 119(e)(3) as amended by Public Law 106-113 is effective as of November 29, 1999 and applies to any provisional applications filed on or after June 8, 1995 but has no effect on any patent which is the subject of litigation in an action commenced before November 29, 1999.

The instant provisional application was filed November 29, 2007 and thus expired on November 30, 2008, after the twelve month allotted timeframe allowed. The petition to revive this application filed March 13, 2009 is deemed unnecessary because the application was not abandoned.

Petitioner may request a refund of the petition fee submitted with the petition filed March 13, 2009 and such may be obtained by written request along with a copy of this decision to Mail Stop 16, Refunds section at the USPTO address listed below.

Mail Stop 16 REFUNDS SECTION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

No further consideration on this matter will be considered.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquires concerning this application should be directed to the Office of Patent Application Papers.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

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DEC 18 2008

In re Application of :
Tirthankar Ghosh et al :
Application No. 61/004,756 : DECISION GRANTING
Filed: November 29, 2007 : PETITION
Attorney Docket No. A01952 :

This is a decision on the petition filed December 19, 2007 and resubmitted on October 23, 2008, requesting that the above-identified application be accorded a filing date of November 29, 2007, rather than the presently accorded date of November 28, 2007. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on November 29, 2007 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV875006905US bears a handwritten "date-in" of November 28, 2007, it also includes a USPS receipt date stamp of November 29, 2007. 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 if 37 CFR 1.10 is November 29, 2007. 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 USPTO on November 29, 2007, as shown be the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of November 29, 2007, and has been so accorded.

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

This application file is being referred to the Office of Patent Application Processing (OIPE) for correction of the filing date to November 29, 2007 and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to Irvin Dingle at (571) 272-3210. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

David Bucei
Petitions Examiner
Office of Petitions

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA PA 19106-2399

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MAR 2 4 2008

In re Application of	:	
Tirthankar Ghosh et al.	:	
Application No. 61/004,757	:	DECISION GRANTING
Filed: November 29, 2007	:	PETITION
Attorney Docket No. A01951	:	

This is a decision on the petition filed December 19, 2007, requesting that the above-identified provisional application be accorded a filing date of November 29, 2007, rather than the presently accorded date of November 28, 2007. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on November 29, 2007 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV875006919US bears a handwritten "Date Accepted" of November 28, 2007, it also includes a USPS receipt date stamp of November 29, 2007. Petitioner is alleging that the date of mailing shown in the "Date Accepted" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is November 29, 2007. 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 November 29, 2007, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of November 29, 2007, and has been so accorded.

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** November 29, 2007 **and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Carl Friedman at (571) 272-6842. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Zhu et al.	:	DECISION ON PETITION
Application No. 61/004,817	:	
Filed: November 29, 2007	:	
Atty Docket No. 81349329US01	:	

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.37(b)" filed September 19, 2008.

The petition is **GRANTED**.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application sent January 7, 2008. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply received and no extension of time obtained, the application became abandoned effective March 8, 2008. A courtesy Notice of Abandonment was sent on September 18, 2008.

In response, applicant filed the instant petition, requesting revival based on unintentional delay. The petition included the required reply in the form of an application data sheet which identified the city and foreign country of the inventor and payment of the late surcharge; the required statement of unintentional delay; and the petition fee for revival pursuant to 37 CFR 1.137(b).

This petition is granted to this provisional application for the 12-month period following the filing of the provisional application. This provisional application is not considered pending after 12 months from its filing date (November 29, 2008).

The application is being returned to the Office of Patent Application Processing for processing of the response to the Notice to File Missing Parts, an ADS, filed September 19, 2008.

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
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Brenda Carson
2336 Gale Ln.
Chattanooga, TN 37421-1686

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NOV 26 2008

OFFICE OF PETITIONS

In re Application of :
Brenda Carson :
Application No. 61/005,177 : DECISION ON PETITION
Filed: December 4, 2007 :
Attorney Docket No. N/A :

This is a decision on the petition filed September 22, 2008, to revive the above identified application.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks items (2) above. In this regard, the Office acknowledges receipt of $5 to complete the basic filing fee and $25 for the surcharge filed on September 22, 2008. However, a review of the record fails to disclose the required petition fee of $810. Therefore, revival of the above application cannot occur until the $810 petition fee has been received.

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) is 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 35 U.S.C. § 704.

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

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

By 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 regarding 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Larry Welton
195 Sharp St.
Salem OH 44460

COPY MAILED

DEC 0 5 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Welton
Application No. 61/005,205
Filed: December 4, 2007
Attorney Docket No. N/A
For: SEAT SOOTHER AKA: AIR PILLOW FOR COMPUTER CHAIR-WELTON

This is a decision on the correspondence of September 22, 2008, requesting revival of the above-identified application. Because no fee was submitted with the instant correspondence, it can only be treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

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

Any reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely submit a reply to the Notice to File Missing Parts of Provisional Application, mailed January 4, 2008, which set a two month extendable period for reply. Accordingly, the above-identified application became abandoned on March 5, 2008. A Notice of Abandonment was mailed on September 12, 2008.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. 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.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

A review of the record indicates no irregularity in the mailing of the January 4, 2008 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because (1) applicant did not include a statement that a thorough search of the file jacket and docket records was conducted and (2) applicant did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner must state that the Office communication was not received and that he searched the place where he normally would keep such communications and couldn't find it. Petitioner must explain his system for keeping track of patent matters -- where he keeps the correspondence (Does petitioner have a file/ some means of organization where he keeps correspondence pertaining to this application?); where he writes down due dates (This need not be a log. This may be in the form of a calendar or a date book); 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 non-final Office action was not entered into that system. The Office would like to see documentary evidence and records as may exist which would substantiate that Petitioner exercised due diligence with respect to his most important business.

Since Petitioner implicitly states that he did not receive the January 4, 2008 Notice, a copy is enclosed.

ALTERNATIVE VENUES

If petitioner is unable to provide adequate evidence that he did not receive the January 4, 2008 Notice, petitioner may pursue one of the following two revival options.

(1) Petitioner may wish to file a petition under 37 CFR 1.137(a) -- the unavoidable standard.

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; (2) the petition fee as set forth in § 1.17(l) -- $270.00; (3) a **showing** to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

---

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Documentary evidence is the key to proving unavoidable delay.

(2) Petitioner may wish to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 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; (2) the petition fee as set forth in 37 CFR 1.17(m) ($810.00); (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not 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).

A revival petition fee must be submitted with a revival petition, as the fee is a statutory requirement.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Notice to File Missing Parts of Provisional Application, dated January 4, 2008

Blank Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)

Blank Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a)

Privacy Act Statement

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
61/005,205	12/04/2007	Larry Welton	

CONFIRMATION NO. 7905

Larry Welton
195 Sharp St.
Salem, OH 44460

FORMALITIES LETTER

OC000000027491303

Date Mailed: 01/04/2008

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 $5 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 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 notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$30** for a small entity
- **$5** 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

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.

/mgabrc/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

PTO/SB/64 (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

PTO/SB/61 (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)

First Named Inventor: _____ Art Unit: _____

Application Number: _____ Examiner: _____

Filed: _____

Title: _____

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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 any 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) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee $_____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $_____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____ .

☐ is enclosed herewith.

B The issue fee of $ _____

☐ has been filed previously on _____ .

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). 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: 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.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

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. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

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

Enclosure ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ _____

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

PTO/SB/61 (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature	Date
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POTOMAC PATENT GROUP, PLLC
P.O. BOX 270
FREDERICKSBURG, VA 22404

COPY MAILED

JUN 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Ali Nader :
Application No. 61/005,298 : DECISION ON PETITION
Filed: December 4, 2007 :
Attorney Docket No. 0110-218 :

This is a decision on the petition under 37 CFR 1.182 filed January 9, 2008, requesting that the above-identified application be accorded a filing date of December 4, 2007.

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 Remus F. Fetea appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

The application was filed on December 4, 2007. However, on January 3, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" notifying applicant that the application papers had not been accorded a filing date, because the application was deposited without drawings.

In response, petitioner filed the instant petition along with the petition fee of $400.

Petitioner asserts that the application as deposited with the USPTO was complete with five (5) sheets of drawings, containing Figures 1-8. In support, petitioner submits a copy of a date-stamped postcard receipt, which shows that the application was deposited on December 4, 2007, with five sheets of drawings containing Figures 1-8, among other items.

A review of the application file discloses that no drawings were received by the Office. On the other hand, 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. Therefore, the evidence is convincing that the application as filed on December 4, 2007 included five (5) sheets of drawings (Figures 1-8) and thus, is entitled to a filing date of December 4, 2007.

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

The petition fee of $400 is being credited back to petitioner's credit card.

This application file is being referred to the Office of Patent Application Processing for further **processing with a filing date of December 4, 2007**, using the copy of the drawings supplied on January 9, 2008.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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

SENTIMETRIX, INC
6017 SOUTHPORT DRIVE
BETHESDA, MD 20814

COPY MAILED

DEC 2 4 2008

In re Application of :
Venkatramanan Siva Subrahmanian, et al. :
Application No. 61/005,328 : ON PETITION
Filed: December 4, 2007 :
Attorney Docket No. None :

This is a decision in response to the petition, filed September 23, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**, since the petition, as executed, is not in compliance with 37 CFR 1.33(b). It appears the petition is filed by or on behalf of the assignee, without the statement required under 37 CFR 3.73(b)[1].

37 CFR 1.33(b) states that:

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

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

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

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

[1] 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or

(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

Since an unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered, the petition cannot be accepted.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and the omissions noted above.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

By Internet: EFS-Web[2]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Statement Under 37 CFR 3.37(b)

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

Jeanne Lynn Krahe
1518 Bakerstown Rd.
Tarentum PA 15084

MAILED

MAR 24 2010

OFFICE OF PETITIONS

In re Application of :
Krahe :
Application No. 61/005,916 : DECISION ON PETITION
Filed: December 10, 2007 :
For: POPSICLE DIPPING DESSERT :

This is a decision on the petition, filed January 15, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition 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 application was held abandoned for failure to submit a reply to the Notice to File Missing Parts mailed January 2, 2008, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed September 12, 2008.

Petitioner contends a reply to the Notice was submitted on January 15, 2008. In support of petitioner's argument, a copy of the front of the check dated January 15, 2008 was provided .

The submission of the petition to withdraw the holding of abandonment is untimely. 37 CFR 1.181(f) provides that, inter alia, except as otherwise provided, any petition not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. The Notice of Abandonment was mailed on September 12, 2008, a petition was not filed in this application until January 15, 2010. An explanation for the delay in filing the petition has not been provided. Thus, the petition was filed over a year after the mailing of the Notice of Abandonment and is untimely.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137.

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).

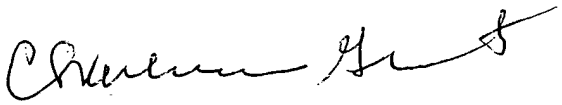
The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The petition fee for a small entity is currently $810.00.

However, it is noted that a nonprovisional application was not submitted within twelve months of the filing date of the instant application.

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

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

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



Charlema Grant
Petitions Attorney
Office of Petitions

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

ATTENTION OF
ALPASLAN SAPMAZ
MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

COPY MAILED

DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Hendricks, et al. :
Application No. 61/005,946 : DECISION
Filed: 7 December, 2007 :
Attorney Docket No. 15826.1USP1 :

This is a decision on the petitions filed on 1 October, 2008, and properly considered as a petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

The petition under 37 C.F.R. §1.181 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 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting

documentation). And, Petitioner refers to "a copy of the docket of all Merchant & Gould matters[,]" but also to the absence of the Notice "from the attorney's file"—which references are unclear.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to a Notice of Missing Parts (the Notice) mailed on 16 January, 2008, with reply due absent extension of time on or before 16 March, 2008.

The application went abandoned by operation of law after midnight 16 March, 2008.

The Office mailed a Notice of Abandonment on 23 September, 2008.

On 1 October, 2008, Petitioner filed a petition and averred non-receipt of the Notice of Missing Parts and provided a statement of search and a statement by Jodi Gandel-Klein (Ms. Gandel-Klein) of his office and a copy of the docket sheet for the instant application, but did not satisfy the requirements set out in the Commentary at MPEP §711.03(c)(I) to the extent that at this writing the record does not a complete description of the docketing system and a statement as to its sufficient reliability as set forth in that discussion, which provides in pertinent part:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log;

> calendar; reminder system; or the individual docket record for the application in question.[1]
>
> ***

Also, Petitioner refers on page one (1) of the petition to "a copy of the docket of all Merchant a& Gould matters[,]" but refers in the last paragraph of page two (2) to the "absence of the [Notice] from the attorney's file"—and Petitioner's reference(s) in these two statements is unclear.

Thus, as of this writing Petitioner appears not to support the petition properly consistent with the express requirements set forth in the Commentary at MPEP §711.03(c)(I)—to which Petitioner's attention always is drawn in these matters.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner failed to make the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed**.

---

[1] *See*: MPEP §711.03(c) (I)(A).

[2] 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).

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate 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 was unintentional." (The statement is in the form available online.)

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

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./
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.

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ATTENTION OF
ALPASLAN SAPMAZ
MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAR 09 2009

OFFICE OF PETITIONS

In re Application of :
Hendricks, et al. :
Application No. 61/005,946 : DECISION
Filed: 7 December, 2007 :
Attorney Docket No. 15826.1USP1 :

This is a decision on the petitions filed on 23 December, 2008, and properly considered as a petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181. Petitioners must, *inter alia*, provide statements and documentary support as set forth in the Commentary at MPEP §711.03(c)(I).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to a Notice of Missing Parts (the Notice) mailed on 16 January, 2008, with reply due absent extension of time on or before 16 March, 2008.

The application went abandoned by operation of law after midnight 16 March, 2008.

The Office mailed a Notice of Abandonment on 23 September, 2008.

On 1 October, 2008, Petitioner filed a petition and averred non-receipt of the Notice of Missing Parts and provided a statement of search and a statement by Jodi Gandel-Klein (Ms. Gandel-Klein) of his office and a copy of the docket sheet for the instant application, but did not satisfy the requirements set out in the Commentary at MPEP §711.03(c)(I) to the extent that at this writing the record does not a complete description of the docketing system and a statement as to its sufficient reliability as set forth in that discussion, which provides in pertinent part:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

Also, Petitioner referred on page one (1) of the petition to "a copy of the docket of all Merchant a& Gould matters[,]" but referred in the last paragraph of page two (2) to the "absence of the [Notice] from the attorney's file"—thus Petitioner's reference(s) in these two statements was unclear. Because he failed to support the petition properly consistent with the express requirements set forth in the Commentary at MPEP §711.03(c)(I), the petition was dismissed on 8 December, 2008.

On 23 December, 2008, Petitioner filed a petition (with accompanying documents) totaling 110 pages, averring non-receipt (but Petitioner failed to specify non-receipt at the address of record), search and non-discovery, but placed over the signature of his office personnel the description of

[1] *See*: MPEP §711.03(c) (I)(A).

docketing system and statement of its reliability. Petitioner submitted a reply in the form of an application data sheet (ADS) in lieu of a provisional cover sheet, along with fees and surcharge. Petitioner provided what is represented as the docket sheet for the instant application and the due date calendar where the reply for the instant application would have been calendared. In lieu of his statement that the docketing system is sufficiently reliable, Petitioner Andrew J. Lagatta (Reg. No. 62,529) has chosen instead to state that "in his experiences, these procedures are reliable with respect to matters received and docketed."

Despite the volume of materials, Petitioner's statements are, in places, at variance from what is required. Therefore, Petitioner's statements are read to assert that the Office action in question was not received at the address of record, and the docketing system is sufficiently reliable. Petitioner **must** notify the Office immediately if this reading is not consistent with Petitioner's appreciation of the facts.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). 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.[3],[4]

---

[2] 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).

[3] 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).

[4] 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,

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) 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 presentation of the showing requirements under the Rule. It is noted, however, that the timing requirements were not satisfied.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 23 September, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing as necessary 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[5]) 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

---

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.))

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

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AUG 0 8 2008

In re Application of Nordlund et al. :
Application No. 61/006,003 : Decision on Petition
Filing Date: December 14, 2007 :
Attorney Docket No. 6796-000032/US/PS1 :

This is a decision on the petition filed January 30, 2008, which is being treated as a petition under 37 CFR 1.182 requesting correction of an inventor's name.[1]

The petition is **dismissed as moot**.

The cover sheet filed with the application listed the second inventor's name as "Axel Standell." The instant petition requests the name be changed to "Axel Strandell."

MPEP 605.04(b) states,

> When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed.

Since the error in the inventor's name was minor and the result of a clerical error, a petition is unnecessary.

A petition fee for the petition under 37 CFR 1.182 has not been charged to petitioner's deposit account. Office records indicate the $50 submitted with the petition was refunded on February 13, 2008. Office records indicate a filing receipt with the inventor's name correctly spelled was mailed February 15, 2008.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] Although the petition is filed as a petition under 37 CFR 1.48, when a petition is necessary to correct an inventor's name, rather than add or delete an inventor, the petition is properly considered under 37 CFR 1.182.

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Avner :
Application No. 61/006,246 : DECISION
Filed/Deposited: 3 January, 2008 :
Attorney Docket No. A-0140-0000\01 :

This is a decision on the petition filed on 25 February, 2008, seeking a filing date of 3 January, 2008, for drawing FIGS. 1 – 3 described in the specification, and properly considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **DISMISSED without prejudice**, and Petitioner is given **two (2) months** within which to submit the items discussed hereinbelow and re-advance his petition.

BACKGROUND

The instant application was deposited on 3 January, 2008.

On 24 January, 2008, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE) mailed a Notice to File Omitted Items—to wit: drawing FIGS. 1 – 4 described in the specification—thus, the application had been accorded a filing date, but without those drawings.

OPAP indicated that Petitioner might:

- contend via petition that the drawings were present upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawings; or

- submit the drawings and accept the date of that submission as the filing date; or
- accept the application as deposited.

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

On 25 February, 2008, Petitioner submitted the instant petition, including therewith, *inter alia*, what was averred to be a true copy of the drawings, including a true copy of FIGS. 1 – 3 described in the specification, and a true copy of Petitioner's date-stamped ("JAN 03 2008") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 3 January, 2008, Petitioner deposited the instant application;
- the Office record appears, as discussed hereinabove, to have reflected that the drawing FIGS, 1 – 3 described in the specification were missing upon deposit;
- the date-stamped receipt card evidences—in pertinent part—the following:

***

3 pages of Specification
1 page of Claims

***

4 pages of Drawings

(Emphasis supplied)

***

A review of the record further indicates that the application file appears to contain only two pages of specification (to wit: pages 1 and 2), rather than 3 as indicated above, and no pages of claims, rather than 1 as also indicated above—and, as previously indicated, only one of the four sheets of drawings—to wit: FIG. 4. Thus, at least two (2) pages of the specification (description and claims) are missing, in addition to the previously identified drawing FIGS. 1 – 3.

Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, however, it appears that the Office may not have given Petitioner Notice as to all of the items missing on deposit. It would be helpful if Petitioner on reply to this decision would provide a copy of the entire application as deposited on 3 January, 2008.

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]

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.

CONCLUSION

The petition is **dismissed without prejudice**, and Petitioner is given **two (2) months** within which to reply as discussed above in order that the matter be resolved completely, rather than piecemeal.

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/Caller's action(s).

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

---

[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).

[2] The regulations at 37 C.F.R. §1.2 provide:1

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

OIPE IAP97
FEB 25 2008
PATENT & TRADEMARK OFFICE

Inventor(s)/Applicant(s): AVNER, Danny
Patent No./Serial No.:
Docket # A-0140-000001
Hand Delivered on: 3 January 2008
Title: GENERATING AIR FLOW BY SOLAR MEANS AND CONVERTING IT INTO ELECTRICITY

- ☐ Response to Notice to File Missing Parts
- ☐ Response to Notice of Incomplete Reply
- ☐ Information Disclosure Statement including Form PTO 1449 and reference
- ☐ Claim for Priority under 35 U.S.C. Section 119
- ☐ Preliminary Amendment
- ☐ Response to Office Action dated
- ☐ Petition for a Two Month(s) Extension of Time (1 Page)
- ☐ Issue Fee Transmittal
- ☐ Check enclosed in the amount of $105.00
- ☒ Credit Card Payment Form
- ☐ Revocation and Power of Attorney, including:
  - – Statement Under 37 CFR 3.73(b)
  - – Copy of Assignment
- ☐

OIPE IAP42
JAN 03 2008
PATENT & TRADEMARK OFFICE

- ☒ Provisional Cover Sheet
- ☐ PCT Patent Application Transmittal
- ☐ RCE Transmittal Sheet
- ☐ Fee Calculation Sheet
- ☒ Provisional Patent Application Under 37 CFR 1.53(c) Containing
  - 3 pages of Specification
  - 1 page of Claims
  - page(s) of Abstract
  - 4 pages of Drawings
  - page(s) of Application Data Sheet
- ☐ Certified Copy of Priority Doc.
- ☐ Publication fee
- ☐ Power of Attorney and Correspondence Address Indication Form
- ☐ Declaration For Utility Or Design Patent Application
- ☐ Recordation of Assignment Cover Sheet & Signed Assignment
- ☐ Request for Correction of Recordation of Assign and
  - -Recordation Cover Sheet
  - -Copy of Notice of Recordation Assign.
- ☐
- ☐ Other:

LSA#87137

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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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DIW Apr-08

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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APR 29 2008

OFFICE OF PETITIONS

In re Application of :
Kevin Schullstrom :
Application Number: 61/006397 : DECISION ON PETITION
Filing Date: 01/11/2008 :
Attorney Docket Number: 740403-102 :

This is a decision on the "PETITON UNDER 37 CFR § 1.53(e)(2) TO GRANT FILING DATE," filed on March 18, 2008, which is treated as a petition requiring that the above-identified provisional application be accorded a filing date of January 11, 2008.

The petition is **granted**.

The instant provisional application papers as filed consisted of 14 pages containing text and drawings on the same pages.

On January 24, 2008, however, the Office of Patent Application Processing (OPAP) sent a Notice of Incomplete Provisional Application stating that the specification was missing and that the filing date would be the date of receipt of the missing specification in compliance with 35 U.S.C. 112.

In reply, the present petition was filed on March 18, 2008. Petitioner asserts that the application as filed fully complies with 35 U.S.C. 112 and that no additional written description is necessary.

Pursuant to 35 USC 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 USC 112 ¶ 1, and a drawing as prescribed by 35 USC 113. 37 CFR 1.53(c)(1) also requires the inclusion of a cover sheet pursuant to 37 CFR 1.51(c)(1), a condition clearly met herein on January 11, 2008, as was the submission of the filing fee required by 35 USC 41. All conditions for obtaining a filing date in this provisional application were clearly met on January 11, 2008.

Under the facts of this case, this provisional application is entitled, for a filing date, to the date of receipt of the 14 pages of drawings and text. 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.

However, as petitioner indicated on the Provisional Application Cover Sheet that no pages of specification were present, the petition was necessitated by an error on the part of applicant, and a petition fee of $400.00 is due.

The Notice of January 24, 2008, was mailed in error and is vacated.

This provisional application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of January 11, 2008.

Telephone inquiries should be directed to the undersigned at 571-272-3231. Inquiries related to OPAP processing should be directed to OPAP at 571-272-4000.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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NOV 21 2008

OFFICE OF PETITIONS

In re Application of :
Pitcovski et al. : DECISION ON PETITION
Application No. 61/006,659 :
Filed: January 25, 2008 :
Atty Docket No. PITCOVSKI=5 :

This is in response to the PETITION TO VACATE NOTICE OF OMITTED ITEMS filed April 28, 2008. Petitioner requests, in essence, that the above-identified application be accorded a filing date of January 25, 2008, with figures 7A-B, 8A-B, 9A-B and 10A-I considered a part of the original application disclosure.

Application papers in the above-identified application were deposited on January 25, 2008. However, on February 27, 2008, 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, figures 7A-B, 8A-B, 9A-B and 10A-I described in the specification appeared to have been omitted.

In response, applicant timely filed the instant petition. Applicant maintains that the figures (7A-B, 8A-B, 9A-B and 10A-I) were indeed filed with the application as evidenced by an attached copy of the date-stamped receipt postcard. Applicant also submits a copy of figures 7A-B, 8A-B, 9A-B and 10A-I as initially received.

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 applicant's hand-carry postcard receipt reveals that: 1) it was date stamped as received by the Office on January 25, 2008 and the papers filed therewith assigned provisional application No.

61/006659; 2) it specifically identifies the items being filed, including "Drawings (7 sheets; 10 figures)" 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 25, 2008.

The drawing sheets considered received in the Office on January 25, 2008 were compared with the drawings sheets containing figures 7A-B, 8A-B, 9A-B and 10A-I submitted on petition. Those drawing sheets in combination constitute the "Drawings (7 sheets; 10 figures)" denoted on the postcard. Accordingly, it is concluded that petitioner has shown that figures 7A-B, 8A-B, 9A-B and 10A-I 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 $400 petition fee is subject to refund. Accordingly, although authorized, no fee is being charged to petitioner's Deposit Account.

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

· processing with a filing date of January 25, 2008, using the application papers received in the Office and presently accorded that date; and figures 7A-B, 8A-B, 9A-B and 10A-I 1 re-supplied on petition filed April 28, 2008.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing. The petition to accept color drawings will be decided by a Supervisory Patent Examiner in due course. See MPEP §1002.02(d).

Telephone inquiries specific 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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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

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MAY 27 2008

OFFICE OF PETITIONS

In re Application of :
Mizrahi, et al. :
Application No. 61/006,926 : DECISION ON PETITION
Filed: February 6, 2008 :
Attorney Docket No. 023372.0111L3US :

This is a decision on the petition, filed April 17, 2008, to accord the above-identified application a filing date of February 6, 2008, with Figure 18G as part of the original application disclosure. This petition is properly treated under §1.53(e)(2)[1].

The application was filed on February 6, 2008. On, February 26, 2008, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Provisional Application (Notice), notifying applicants that the application papers had been accorded a filing date, but that Figure 18G appeared to have been omitted from the application.

In response, applicants timely filed the instant petition. Petitioners assert that Figure 18G was included with the application when filed. In support thereof, petitioners submitted a copy of a return postcard receipt.

A postcard receipt that itemizes and properly identifies the items that are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. *See*, MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in OIPE on February 6, 2008; 2) it specifically identifies the items being filed; 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 Figure 18g, which was part of the 159 pages of specification, claims, and drawings filed, was filed on February 6, 2008 and should be included in the original application papers.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee will be refunded in due course.

This application file is being directed to the Office of Patent Application Processing for further **processing with a filing date of February 6, 2008, using the copy of Figure 18G supplied with the instant petition.**

---

[1] §1.53(e) Failure to meet filing date requirements.
... (2) Any request for review of ... a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(h). In the absence of a timely (§1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Telephone inquiries concerning this matter may be directed the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

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FEB 07 2008

OFFICE OF PETITIONS

In re Application of :
Lehtola et al. :
Application Number: 61/007080 : ON PETITION
Filed: 12/11/2007 :
Attorney Docket Number: :
1969.79590 :

This is a decision in reference to the "PETITION TO ACCORD A FILING DATE UNDER 37 C.F.R. § 1.53(e) AND RESUBMISSION OF DRAWINGS," filed on January 14, 2008, which is treated as a petition, requesting that the above-identified provisional application, including two (2) sheets of drawings, be accorded a filing date of December 11, 2007.

The petition is **GRANTED**.

The application was filed on December 11, 2007. Accordingly, on January 3, 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 application been deposited without drawings.

In response, on January 14, 2008, the present petition and a copy of two (2) sheets of drawings were filed. Petitioners argue that two (2) drawing sheets were filed with the other application papers on December 11, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp dated "121107" and containing the above-identified application number. The postcard receipt identifies the application by the first named inventor's last name, the attorney docket number and invention title, and acknowledges receipt of, *inter alia*, "2 pages of Drawings." Petitioners request that the

application, including the two (2) sheets of drawings, be accorded a filing date of December 11, 2007.

A review of the record reveals that no sheets of drawings received on December 11, 2007, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on December 11, 2007, included two (2) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including two (2) sheets of drawings, is entitled to a filing date of December 11, 2007.

In view of the above, the petition is granted. The Notice of Incomplete Nonprovisional Application is withdrawn. As the petition was necessitated by an error on the part of the Office, no petition fee is due. The petition fee will be credited to petitioner's deposit account.

The application will be processed with the copy of the two (2) sheets of drawings supplied on December 11, 2007, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of December 11, 2007, using the application papers filed on that date, and the copy of two (2) sheets of drawings supplied with the present petition, and for an indication in Office records that two (2) sheets of drawings was present on filing.

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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2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of Schrek :
Application No. 61/007,309 : Decision on Petition
Filing Date: December 12, 2007 :
Attorney Docket No. GEIN-114-P1 :

This is a decision in response to the petition filed February 28, 2008, requesting, in effect, that 4 drawing sheets containing Figures 3 to 6 filed on February 28, 2008, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed December 12, 2007.

The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" on February 4, 2008. The Notice stated drawing figures 3 to 6 did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges four sheets of drawings containing Figures 3 to 6 were filed with the original application.

The USPTO file for this application includes only 2 sheets of drawings. The file does not contain the total of six sheets petitioner alleges were filed with the original application. However, petitioner has submitted a postcard receipt acknowledging receipt of six sheets of drawings on December 12, 2007.[1] Therefore, the Office is persuaded that the four sheets of drawings containing Figure 3 to 6 were part of the originally filed application but were later misplaced by the Office.

The Notice mailed February 4, 2008, was sent in error and is hereby vacated.

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Office has credited the $400 petition fee to petitioner's deposit account.

The Office of Patent Examination Processing will be informed of the instant decision and will process the application with a filing date of December 12, 2007, using the application papers filed December 12, 2007, and the copy of the four drawings sheets containing Figures 3 to 6 filed February 28, 2008.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Fox Rothschild LLP
Blue Bell
2000 Market Street
Tenth Floor
Philadelphia PA 19103

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JUL 14 2008

OFFICE OF PETITIONS

In re Patent of	:	
Verbitsky et al.	:	
Application No. 61/007387	:	DECISION
Filing or 371(c) Date: 12/12/2007	:	ON PETITION
Attorney Docket Number:	:	
49962-00160	:	

This is a decision on the Petition filed May 15, 2008, requesting the application be accorded a filing date of December 12, 2007, including 6 pages of the specification. The petition is properly treated under 37 CFR 1.182.

The petition is **granted**.

Background

The application was filed on December 12, 2007. On May 7, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Provisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, pages 1-6 of the specification appeared to have been omitted from the application.

The present petition

Applicant files the present petition and avers that pages 1-6 of the specification were included in the application as-filed on December 12, 2008. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of 6 pages of specification by this Office on December 12, 2007.

Applicable Law, Rules and MPEP

"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, Office records reveal that 6 pages of specification were received in this Office in the present application on December 12, 2007.

Accordingly, the petition is granted.

The petition fee has been refunded to Petitioner's deposit account as authorized in the present petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 12, 2007, and an indication that 6 pages of specification were included with the application papers filed on December 12, 2007, using the 6 pages of the specification filed December 12, 2007.

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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FAY SHARPE, LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114

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DEC 2 4 2008

In re Application of :
Donald Frank Corsaro :
Application No. 61/007,473 : ON PETITION
Filed: December 13, 2007 :
Attorney Docket No. CRSO 2 00002 :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 20, 2008, to revive the above-identified application.

The application became abandoned for failure to reply to the Notice to File Missing Parts of Provisional Application, mailed January 3, 2008. A Notice of Abandonment was mailed on September 11, 2008.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $10[1] to complete the provisional filing fee and the $25 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address filed on October 20, 2008 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

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

Enclosure: Notice of Acceptance of Power of Attorney

[1] Effective October 2, 2008, the filing fee for a provisional application was increased to $110. Therefore, $5 has been charged to petitioner's deposit account, as authorized.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/007,473	12/13/2007	Donald Frank Corsaro	CRSO 2 00002

CONFIRMATION NO. 4295

27885
FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114

POA ACCEPTANCE LETTER

OC000000033548990

Date Mailed: 12/10/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/20/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/178,599	07/23/2008	Jessica White Pohlkamp	POHLJ 100

CONFIRMATION NO. 6662

CONVERSION REQUEST

2555
KREMBLAS, FOSTER, PHILLIPS & POLLICK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG, OH 43068

OC000000034465276

Date Mailed: 02/10/2009

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/26/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,504.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/178,599	07/23/2008	Jessica White Pohlkamp	POHLJ 100

CONFIRMATION NO. 6662

CONVERSION REQUEST

2555
KREMBLAS, FOSTER, PHILLIPS & POLLICK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG, OH 43068

OC000000034465276

Date Mailed: 02/10/2009

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/26/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,504.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/115,080	05/05/2008	Clive R. Hindle	1-29987

CONFIRMATION NO. 4414

CONVERSION REQUEST

4859
MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

OC000000034482530

Date Mailed: 02/10/2009

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 **08/05/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,505.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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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
11/771,225	06/29/2007	Gary Francis Smith	77522

CONFIRMATION NO. 7612

CONVERSION REQUEST

22242
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

OC000000031263043

Date Mailed: 07/29/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/19/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,506.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/771,225	06/29/2007	Gary Francis Smith	77522

CONFIRMATION NO. 7612

CONVERSION REQUEST

22242
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

OC000000031263043

Date Mailed: 07/29/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/19/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,506.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/771,225	06/29/2007	Gary Francis Smith	77522	7612

22242 7590 07/03/2008
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER	
ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Copied from 11771225 on 07/29/2008

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

CST

7-3-08

In re application of
Gary Francis Smith
Serial No. 11/771,225
Filed: June 29, 2007
For: PROCESSED CHEESE WITHOUT EMULSIFYING SALTS

DECISION
ON PETITION

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed June 19, 2008.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
11/833,689	08/03/2007	Joseph Catanese III	83455.0003.D3

CONFIRMATION NO. 8324

CONVERSION REQUEST

30076
STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES, CA 90067

OC00000030547078

Date Mailed: 06/18/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/06/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,507.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

COPY MAILED
DEC 10 2007
OFFICE OF PETITIONS

In re Patent of	:	
Catanese et al.	:	
Application No. 11/833689	:	DECISION
Filing or 371(c) Date: 08/03/2007	:	ON PETITION
Title of Invention:	:	
DEVICES, SYSTEMS AND METHODS FOR	:	
RETRACTING, LIFTING, COMPRESSING,	:	
SUPPORTING OR REPOSITIONING	:	
TISSUES OR ANATOMICAL STRUCTURES	:	

This is a decision on the "Response to Notice to File Missing parts of Nonprovisional Application and Amendment" filed October 27, 2007, asserting that the application as-filed on August 3, 2007 included a declaration and power of attorney. The correspondence is properly treated as a petition under 37 CFR 1.182.

The petition is **granted**.

Background

The application was filed on February 12, 2007. On December 14, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing; however, the oath or declaration was missing.

Applicant files the present petition and avers that the application as-filed on August 3, 2007 included a declaration and power of attorney. In support of this assertion, Applicant provides a copy of an Acknowledgment Receipt acknowledging receipt of, *inter alia*, an oath or declaration by this Office on August 3, 2007.

A review of the application papers filed on August 3, 2007 reveal that the application papers filed on August 3, 2007 included a "Declaration of Inventorship and Limited Power of Attorney;" a "Revocation of Power of Attorney with New Power of Attorney and Change of

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Correspondence Address," and a Statement Under 37 CFR 3.73(b). The papers were mis-coded in Office records.

In view of the above, the petition is granted.

No petition fee has been charged and none is due.

The papers have been properly coded.

The application will be returned to the Office of Patent Examination Processing for

- withdrawal of the Notice, and
- for further processing using the application papers filed on August 3, 2007.

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

Derek L. Woods
Attorney
Office of Petitions

Copied from 11833689 on 06/18/2008

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
12/069,258	02/07/2008	Paul Wender	STAN-580

CONFIRMATION NO. 4493

24353
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

CONVERSION REQUEST

OC000000030712217

Date Mailed: 06/27/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/28/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,508.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/875,126	10/19/2007	Michael A. Zimmerman	4180.1001-000

CONFIRMATION NO. 3805

CONVERSION REQUEST

21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

OC000000030713032

Date Mailed: 06/27/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/09/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,509.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/925,322	10/26/2007	Sidney Edward Martin III	

CONFIRMATION NO. 2780

73716
Northeast Maritime Institute
32 Washington St.
Fairhaven, MA 02719

CONVERSION REQUEST

Date Mailed: 07/01/2008

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 **04/09/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,510.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

USPTO MAIL
APR 09 2008
PATENT & TRADEMARK OFFICE

04/10/08

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Martin III	
Application Serial No.: 11/925,322	REALLY SMART CAR
Filing Date: October 26, 2007	
Att. Dkt. No.: 0341638.00019	

REQUEST UNDER 37 C.F.R. § 1.53(c)(2) FOR CONVERSION

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

Dear Commissioner:

Applicant hereby requests conversion of U.S. Patent Application No. 11/925,322, filed October 26, 2007, from a non-provisional patent application to a provisional patent application pursuant to 37 C.F.R. § 1.53(c)(2). The processing fee required for this request, as set forth in 37 C.F.R. § 1.17(q), is enclosed herewith.

Applicant submits that the present request for conversion from a non-provisional patent application to a provisional patent application is timely under 37 C.F.R. § 1.53(c)(2) because U.S. Patent Application No. 11/925,322 is currently pending and was filed under 37 C.F.R. § 1.53(b) less than twelve months before this date.

04/10/2008 CNGUYEN2 00000036 11925322
Express Mail" mailing label number EB616632925US
01 FC:1807 50.00 OP

Date of Deposit April 9, 2008

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Conversion, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PI-1960202 v1

Copied from 11925322 on 07/02/2008

The Commissioner is hereby authorized to charge any additionally required fees deemed necessary for grant of this Request for Conversion to Account No. 11-1110.

Respectfully submitted,

Stephen C. Glazier
Reg. No. 31,361
(202) 778-9045

Date: 8/8/08

Kirkpatrick & Lockhart Preston Gates Ellis LLP
1601 K St., NW
Washington, DC 20006
(202) 778-9000
Fax: (202) 778-9100

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PTO
APR 09 2008
PATENT & TRADEMARK OFFICE

PTO/SB/16 (10-07)
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 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. _____

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Sidney Edward	Martin, III	Fairhaven, MA

Additional inventors are being named on the _____ *separately numbered sheets attached hereto*

TITLE OF THE INVENTION (500 characters max):

REALLY SMART CAR

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☑ The address corresponding to Customer Number: 35602

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 _____

☐ Drawing(s) *Number of Sheets* _____

☐ Other (specify) _____

☐ Specification (e.g. description of the invention) *Number of Pages* _____

Fees Due: Filing Fee of $210 ($105 for small entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is $260 ($130 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

105.00

TOTAL FEE AMOUNT ($)

☑ The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to Deposit Account Number: 11-1110. A duplicative copy of this form is enclosed for fee processing.

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.

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PTO/SB/16 (10-07)
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 displays a valid OMB control number.

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

☒ No.

☐ Yes, the name of the U.S. Government agency and the Government contract number are: _____

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 8A08

TYPED or PRINTED NAME Stephen C. Glazier REGISTRATION NO. 31,361 *(if appropriate)*

TELEPHONE (202) 778-9045 Docket Number: 0341638.00019

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OIPE MAP75
APR 09 2008
PATENT & TRADEMARK OFFICE

PTO/SB/16 (10-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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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. _____

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Sidney Edward	Martin, III	Fairhaven, MA

Additional inventors are being named on the _____ *separately numbered sheets attached hereto*

TITLE OF THE INVENTION (500 characters max):

REALLY SMART CAR

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☑ The address corresponding to Customer Number: 35602

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 _____

☐ Drawing(s) *Number of Sheets* _____

☐ Other (specify) _____

☐ Specification (e.g. description of the invention) *Number of Pages* _____

Fees Due: Filing Fee of $210 ($105 for small entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is $260 ($130 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: 11-1110. A duplicative copy of this form is enclosed for fee processing.

105.00

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.

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PTO/SB/16 (10-07)
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 displays a valid OMB control number.

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

☒ No.

☐ Yes, the name of the U.S. Government agency and the Government contract number are: _____

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 8AQ08

TYPED or PRINTED NAME Stephen C. Glazier REGISTRATION NO. 31,361 *(if appropriate)*

TELEPHONE (202) 778-9045 Docket Number: 0341638.00019

Copied from 11925322 on 07/02/2008

USPTO MAP 87
APR 09 2008
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Martin III	
Application Serial No.: 11/925,322	REALLY SMART CAR
Filing Date: October 26, 2007	
Att. Dkt. No.: 0341638.00019	

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Applicant has submitted a request to convert U.S. Patent Application No. 11/925,322, filed October 26, 2007, from a non-provisional patent application to a provisional patent application pursuant to 37 C.F.R. § 1.53(c)(2). A copy of the request is enclosed for reference.

Applicant submits that the request for conversion from a non-provisional patent application to a provisional patent application is timely under 37 C.F.R. § 1.53(c)(2) because U.S. Patent Application No. 11/925,322 is currently pending and was filed under 37 C.F.R. § 1.53(b) less than twelve months before this date.

Express Mail" mailing label number EB616632939US

Date of Deposit April 9, 2008

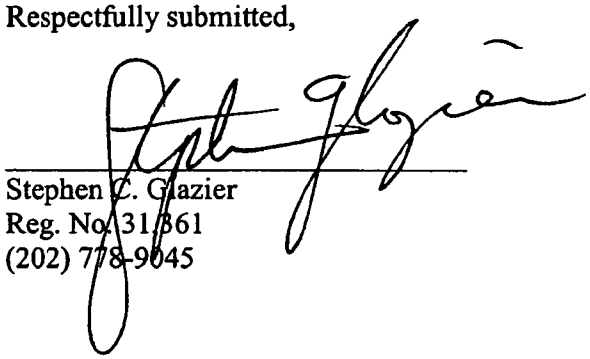
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PI-1960184 v1

Copied from 11925322 on 07/02/2008

Due to Applicant's filing of the request for conversion and anticipated granting of that request, Applicant has chosen not to submit the Items Required to Avoid Abandonment for U.S. Patent Application No. 11/925,322 instead enclosed is a cover sheet for the anticipated converted provisional application.

Respectfully submitted,



Stephen C. Glazier
Reg. No. 31,361
(202) 778-9045

Date: 8 Aug 08

Kirkpatrick & Lockhart Preston Gates Ellis LLP
1601 K St., NW
Washington, DC 20006
(202) 778-9000
Fax: (202) 778-9100

Copied from 11925322 on 07/02/2008

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
11/983,519	11/08/2007	Matthew Jonathan Chapin	36130-505 CIP

CONFIRMATION NO. 4598

CONVERSION REQUEST

30623
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ATTN: PATENT INTAKE CUSTOMER NO. 30623
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000030748370

Date Mailed: 07/01/2008

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 **01/02/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,511.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

1-3-08

JFW

Express Mail Label No.: EV871029534US
Date of Deposit: January 2, 2008

Attorney Docket No. 36130-505 CIP

OIPE
JAN 02 2008
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Chapin et al.		
SERIAL NUMBER:	11/983,519	EXAMINER:	Not Yet Assigned
FILING DATE:	November 8, 2007	ART UNIT:	1615
TITLE:	COMPOSITIONS FOR THE TREATMENT AND PREVENTION OF EYELID SWELLING		

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

REQUEST FOR CONVERSION OF A NON-PROVISIONAL PATENT APPLICATION TO A PROVISIONAL PATENT APPLICATION UNDER 37 C.F.R. § 1.53(C)(2)

Pursuant to 37 C.F.R. §1.53(c)(2), Applicants hereby request conversion of the above-referenced non-provisional application filed under 37 C.F.R. §1.53(b) to a provisional application. This request is being filed within twelve months of the filing date (*i.e.* November 8, 2007) of the above-referenced non-provisional patent application. A check in the amount of $50.00, in payment of the fee required by 37 C.F.R. §1.17(q), is enclosed herewith.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 36130-505 CIP.

Respectfully submitted,

Reg No. 59,040

Ivor R. Elrifi, Reg. No. 39,529
Attorney for Applicants
c/o MINTZ, LEVIN
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No.: 30623

Dated: January 2, 2008

01/04/2008 TNGUYEN2 00000005 11983519
01 FC:1807 50.00 OP

4220412v.1

Copied from 11983519 on 06/30/2008

Express Mail Label No.: EV871029534US
Date of Deposit: January 2, 2008

Attorney Docket No. 36130-505 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Chapin et al.		
SERIAL NUMBER:	11/983,519	EXAMINER:	Not Yet Assigned
FILING DATE:	November 8, 2007	ART UNIT:	1615
TITLE:	COMPOSITIONS FOR THE TREATMENT AND PREVENTION OF EYELID SWELLING		

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

TRANSMITTAL LETTER

Enclosed herewith for filing in the above-identified application please find the following documents:

1. Request for Conversion of a Non-Provisional Patent Application to a Provisional Patent Application Under 37 C.F.R. § 1.53(C)(2) (1 pg.);
2. Check No. 25123 in the amount of $50.00;
3. Return Postcard.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 36130-505 CIP.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Attorney for Applicants
c/o MINTZ, LEVIN
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No.: 30623

Dated: January 2, 2008

Copied from 11983519 on 06/30/2008

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
11/833,762	08/03/2007	Bryan Oronsky	07-138-PTU-CL

CONFIRMATION NO. 8452

CONVERSION REQUEST

32616
LAW OFFICE OF L. JACK GIBNEY
8777 SAN JOSE BLVD.
SUITE 502
JACKSONVILLE, FL 32217

OC000000030783215

Date Mailed: 07/02/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/26/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,512.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Docket No.: 643262000800
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bryan ORONSKY et al.

Application No.: 11/833,762 | Confirmation No.: 8452

Filed: August 3, 2007 | Art Unit: 1655

For: METHOD TO ADMINISTER PAIN RELIEF USING CLOVES IN COMBINATION WITH A STEROID | Examiner: Not Yet Assigned

PETITION UNDER 37 CFR § 1.53(C)(2) REQUESTING CONVERSION OF REGULAR APPLICATION TO PROVISIONAL APPLICATION

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

Dear Sir:

Pursuant to 37 CFR § 1.53(c)(2), Applicants request that upon the filing of this petition the instant application be treated as a provisional application filed on August 3, 2007. The requisite fee listed under 37 CFR 1.53(c)(2) for this petition under 1.17(q) will be charged to our Deposit Account No. 03-1952.

pa-1265099

Copied from 11833762 on 07/02/2008

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 643262000800. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 26, 2008

Respectfully submitted,

Electronic signature: /Madeline I. Johnston/
Madeline I. Johnston
Registration No.: 36,174
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5840

pa-1265099

Copied from 11833762 on 07/02/2008

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
11/821,381	06/22/2007	Joshua Makower	EXPL-001CON9

CONFIRMATION NO. 6544

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

CONVERSION REQUEST

OC000000030810958

Date Mailed: 07/03/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,513.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

6/26/08

In re Application of
Makower et al
Serial No.: 11/821,381
Filed: June 22, 2007
Docket: EXPL-001PRV9
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

: DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

Copied from 11821381 on 07/03/2008

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
11/831,825	07/31/2007	Yang Qian	35445-502/MAXM-468

CONFIRMATION NO. 5033

CONVERSION REQUEST

79631
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C
One Financial Center
Boston, MA 02111

Date Mailed: 07/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/02/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,514.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 5 2008

Mintz, Levin, Cohen, Ferris, Glovsky and Popeo P.C
One Financial Center
Boston, MA 02111

In re Application of:
QIAN *et al.*
Serial No.: 11/831,825
Filed: July 31, 2007
Attorney Docket No.: **35445-502/MAXM-468**

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.53(c)(2), filed May 02, 2008, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(c).

The petition is GRANTED.

The Office of Initial Patent Examination (OIPE) will be notified to initiate further processing as a PROVISIONAL application under 35 U.S.C. § 111(b), and 37 C.F.R. § 1.53(c), including the assignment of a new provisional application number.

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

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

Copied from 11831825 on 07/15/2008

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
12/116,617	05/07/2008		12258-045001

CONFIRMATION NO. 7403

CONVERSION REQUEST

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC00000003095670O

Date Mailed: 07/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/25/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,515.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
12/147,911	06/27/2008	William BAUER	6004-009-52

CONFIRMATION NO. 7746

47604
DLA PIPER US LLP
P. O. BOX 9271
RESTON, VA 20195

CONVERSION REQUEST

OC000000030957302

Date Mailed: 07/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/27/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,516.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/820,249	06/18/2007	Joshua Makower	EXPL-001CON5

CONFIRMATION NO. 2710

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

CONVERSION REQUEST

OC000000030958480

Date Mailed: 07/14/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,517.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

6/26/08

In re Application of
Makower et al
Serial No.: 11/820,249
Filed: June 18, 2007
Docket: EXPL-001PRV5
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

Copied from 11820249 on 07/14/2008

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
11/820,355	06/18/2007	Joshua Makower	EXPL-001CON2

CONFIRMATION NO. 3285

CONVERSION REQUEST

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

Date Mailed: 07/14/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,518.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

6/26/08

In re Application of
Makower et al
Serial No.: 11/820,355
Filed: June 18, 2007
Docket: EXPL-001PRV2
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

: DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/820,416	06/18/2007	Joshua Makower	EXPL-001PRV3

CONFIRMATION NO. 3272

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

CONVERSION REQUEST

OC000000030960390

Date Mailed: 07/14/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,519.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

6/26/08

In re Application of
Makower et al
Serial No.: 11/820,416
Filed: June 18, 2007
Docket: EXPL-001PRV3
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
11/820,417	06/18/2007	Joshua Makower	EXPL-001CON

CONFIRMATION NO. 3197

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

CONVERSION REQUEST

OC000000030963248

Date Mailed: 07/14/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,520.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

6/26/08

In re Application of
Makower et al
Serial No.: 11/820,417
Filed: June 18, 2007
Docket: EXPL-001PRV
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

: DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

Copied from 11820417 on 07/22/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
11/821,149	06/22/2007	Joshua Makower	EXPL-001PRV10

CONFIRMATION NO. 5341

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

CONVERSION REQUEST

Date Mailed: 07/14/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,521.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

In re Application of
Makower et al
Serial No.: 11/821,149
Filed: June 22, 2007
Docket: EXPL-001PRV10
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

: DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

Copied from 11821149 on 07/14/2008

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/821,325	06/22/2007	Joshua Makower	EXPL-001CON7

CONFIRMATION NO. 5531

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

CONVERSION REQUEST

OC000000030964643

Date Mailed: 07/14/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,522.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

6/26/08

In re Application of
Makower et al
Serial No.: 11/821,325
Filed: June 22, 2007
Docket: EXPL-001PRV7
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

Copied from 11821325 on 07/14/2008

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/821,339	06/22/2007	Joshua Makower	EXPL-001PRV8

CONFIRMATION NO. 5850

36154
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

CONVERSION REQUEST

Date Mailed: 07/15/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,523.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE CA 94086

6/26/08

In re Application of
Makower et al
Serial No.: 11/821,339
Filed: June 22, 2007
Docket: EXPL-001PRV8
Title: DEVICES AND METHODS FOR TREATMENT OF OBESITY

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(c)(2) and MPEP 601.01(c)

This is a decision on the petition for conversion to a provisional application filed Oct. 31, 2007 under 37 CFR 1.53 (c) (2).

The petition filed on Oct. 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (c) (2) (i-iii).

The fee of $50.00 was paid in accordance with 37 CFR 1.17(q).

The petition is **GRANTED**.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing, Products and Designs
571-272-4856

Copied from 11821339 on 07/22/2008

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/615,800	12/22/2006	Parag Gokhale	606928043US

CONFIRMATION NO. 1489

CONVERSION REQUEST

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

OC000000031149760

Date Mailed: 07/23/2008

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 **10/31/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,524.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/615,800	12/22/2006	Parag Gokhale	606928043US	1489

25096 7590 07/09/2008

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
BRAGDON, REGINALD GLENWOOD	
ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
07/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALEXANDRIA, VA 22313-1450
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JUL 09 2008

TECHNOLOGY CENTER 2100

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of: Gokhale, et al.
Application No. 11/615,800
Attorney Docket No. 606928043US
Filed: December 22, 2006
For: SYSTEMS AND METHODS OF DATA STORAGE MANAGEMENT, SUCH AS DYNAMIC DATA STREAM ALLOCATION

Petition to Convert NonProvisional Application to a Provisional Application under 37 CFR 1.53(c)(2)

This is a decision on the petition to convert the Nonprovisional application to a Provisional application under 37 CFR 1.53(c)(2).

The petition filed October 31, 2007 requests conversion to a provisional application under 37 CFR 1.53(c)(2) and includes the required fees as set forth in 37 CFR 1.17(q) and 37 CFR 1.16(k). The petition was also filed within the time frames as set forth in 37 CFR 1.53(c)(2)(i – iv).

The petition is **GRANTED**.

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

Inquiries to this decision may be directed to Mano Padmanabhan at (571) 272-4210.

Jack Harvey
Director
Technology Center 2100
Computer Architecture, Software, and Information Security

Copied from 11615800 on 07/23/2008

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/105,803	04/18/2008	John Shipman	13712/3

CONFIRMATION NO. 6408

CONVERSION REQUEST

757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Date Mailed: 07/24/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/02/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,525.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/525,598	09/21/2006	Sharat Singh	021825-010000US

CONFIRMATION NO. 9943

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

CONVERSION REQUEST

Date Mailed: 07/29/2008

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 **09/14/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,527.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/525,598	09/21/2006	Sharat Singh	021825-010000US	9943

20350 7590 07/25/2008

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

EXAMINER	
BRISTOL, LYNN ANNE	

ART UNIT	PAPER NUMBER
1643	

MAIL DATE	DELIVERY MODE
07/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Copied from 11525598 on 07/29/2008

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

JUL 25 2008

In re Application of :
Sharat Singh : CONVERSION TO PROVISIONAL
Serial No.: 11/525598 :
Filed: September 21, 2006 :
Attorney Docket No.: 021825-010000US

This is in response to applicant's request, filed September 14, 2007, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/108,698	04/24/2008		R0620.70014US00

CONFIRMATION NO. 2092

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

CONVERSION REQUEST

OC000000031265535

Date Mailed: 07/30/2008

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 **07/07/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,528.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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NOV 10 2008

OFFICE OF PETITIONS

In re Application of :
Robert Snell :
Application No. 61/007,528 : DECISION ON PETITION
Filed: April 24, 2008 :
Attorney Docket No: R0620.70014US02

This is a decision on the petition filed October 6, 2008, to accord the above-identified application a filing date of April 24, 2008.

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

Application papers in the above-identified application were filed on April 24, 2008, without drawings. Accordingly, on August 6, 2008, the Office of Initial Patent Examination mailed applicants a "Notice of Incomplete Provisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicant filed the instant petition.

Petitioner asserts that drawings are not necessary for the understanding of the subject matter sought to be patented in the above application, and requests that the application be accorded a filing date of April 24, 2008.

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 April 24, 2008 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 April 24, 2008 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 has been charged to Deposit Account No. 23-2825, as authorized.

The matter is being forwarded to the Office of Initial Patent Examination for correction of the filing date to April 24, 2008.

Telephone inquiries specific to this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/101,116	04/10/2008	Chu-Ming Lin	MTKP0637USA

CONFIRMATION NO. 7553

27765
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

CONVERSION REQUEST

Date Mailed: 07/30/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/09/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,529.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/060,103	03/31/2008	Abraham I. Flamholz	16113-1060001

CONFIRMATION NO. 6021

CONVERSION REQUEST

26192
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

OC00000031267047

Date Mailed: 07/30/2008

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 **07/11/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,530.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/018,731	01/23/2008	Herve LANGE	18424-8USPR AD/bns

CONFIRMATION NO. 8675

CONVERSION REQUEST

AIR MAIL
20988
OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

Date Mailed: 07/30/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/28/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,531.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/780,302	07/19/2007	Richard S. Meyer	650070.404

CONFIRMATION NO. 3759

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

CONVERSION REQUEST

OC00000031267907

Date Mailed: 07/30/2008

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 **03/27/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,532.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/780,302	07/19/2007	Richard S. Meyer	650070.404	3759

500 7590 07/08/2008

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER	
ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
07/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Copied from 11780302 on 07/29/2008

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

CST

7-8-08

In re application of	:	
Richard S. Meyer	:	
Serial No. 11/780,302	:	DECISION
Filed: July 19, 2007	:	ON PETITION
For: ACIDIFIED FOOD METHODS AND COMPOSITIONS	:	

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed March 27, 2008.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11780302 on 07/29/2008

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/133,539	06/05/2008	Tim Maddy	MKAY:195US/10805687

CONFIRMATION NO. 9849

32425
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

CONVERSION REQUEST

Date Mailed: 07/30/2008

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 **07/03/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,533.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/770,361	06/28/2007	Robert L. Magaletta	1410/77546

CONFIRMATION NO. 6290

48940
FITCH EVEN TABIN & FLANNERY
120 S. LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

CONVERSION REQUEST

OC000000031269138

Date Mailed: 07/30/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/17/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,534.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/770,361	06/28/2007	Robert L. Magaletta	1410/77546	6290

48940 7590 07/03/2008

FITCH EVEN TABIN & FLANNERY
120 S. LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER	
GERIDO, DWAN A	

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Copied from 11770361 on 07/29/2008

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

CST

7-3-08

In re application of
Robert L. Magaletta et al
Serial No. 11/770,361
Filed: June 28, 2007
For: IN VITRO METHOD FOR THE DETERMINATION OF GLYCEMIC INDEX OF FOOD PRODUCTS

DECISION ON PETITION

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed June 17, 2008.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11770361 on 07/29/2008

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/156,307	05/31/2008	Cherng Chang	

CONFIRMATION NO. 2724

CONVERSION REQUEST

CHANG, CHERNG
P O Box 8574
Rowland Heights, CA 91748

OC000000031912145

Date Mailed: 09/04/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/01/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,535.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/035,441	02/22/2008	Jonathan Glenn	

CONFIRMATION NO. 9988

CONVERSION REQUEST

Jonathan Glenn
1247 N. Bundy Dr
Los Angeles, CA 90049

OC00000032170507

Date Mailed: 09/18/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/06/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,536.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/974,761	10/16/2007	Marlene Duran	10095

CONFIRMATION NO. 6999

54569
RUBEN ALCOBA, ESQ.
3399 NW 72 AVENUE
SUITE211
MIAMI, FL 33122

CONVERSION REQUEST

OC000000032219877

Date Mailed: 09/22/2008

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 **07/08/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,537.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/906,568	10/03/2007	Holly Butka	38-21(55514)

CONFIRMATION NO. 8348

CONVERSION REQUEST

27161
MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS, MO 63167

OC000000032461215

Date Mailed: 10/07/2008

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 **07/11/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,538.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/752,412	05/23/2007	Brigette White	P00229-US-UTIL(M01.038/U)

CONFIRMATION NO. 3720

28062
BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

CONVERSION REQUEST

Date Mailed: 10/07/2008

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 **09/14/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,539.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/137,253	06/11/2008	Christophe Dupont	2006982-0010

CONFIRMATION NO. 7146

24280
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

CONVERSION REQUEST

OC000000032462161

Date Mailed: 10/07/2008

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 **09/04/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,540.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

COPY MAILED

SEP 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Christophe Dupont :
Application No. 12/137,253 : ON PETITION
Deposited: June 11, 2008 :
Attorney Docket No. 2006982-0010 :

This is in response to the "PETITION TO ACCORD A FILING DATE AND CONVERT APPLICATION TO A PROVISIONAL APPLICATION"[1] filed July 16, 2008, requesting that the above-referenced application be accorded a filing date of June 11, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[2].

Application papers in the above-identified application were deposited on June 11, 2008. However, on June 25, 2008, the Office of Patent Application Processing mailed applicants 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 drawings. In response, applicants timely filed this petition. Petitioner states that drawings are not necessary.

Petitioner's arguments and evidence have been considered. A review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

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[1] It should be noted that since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects. In this instance the Office of Petitions will only address the request for filing date. The request for conversion should be directed to the Office of Patent Application Processing.

[2] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Copied from 12137253 on 10/06/2008

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

To the extent the instant petition requests a filing date of June 11, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to June 11, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **treatment of the petition to convert application to a provisional application.**

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

Charlema Grant
Petitions Attorney
Office of Petitions

Copied from 12137253 on 10/06/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/100,799	04/10/2008	Masud Akhtar	44148-1023

CONFIRMATION NO. 6925

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

CONVERSION REQUEST

OC000000032692995

Date Mailed: 10/21/2008

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 **09/15/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,541.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/112,878	04/30/2008		P0026840.00

CONFIRMATION NO. 9981

27581
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

CONVERSION REQUEST

OC000000032693659

Date Mailed: 10/21/2008

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 **09/19/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,542.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
12/112,866	04/30/2008		P0028558.00

CONFIRMATION NO. 9965

27581
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

CONVERSION REQUEST

OC000000032694352

Date Mailed: 10/21/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,543.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/966,988	12/28/2007	Dale B. Schenk	021452-0368964

CONFIRMATION NO. 6094

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

CONVERSION REQUEST

OC000000032694625

Date Mailed: 10/21/2008

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 **09/24/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,544.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/006,290	12/31/2007	Kevin Smith	18706ROUS02U

CONFIRMATION NO. 5711

CONVERSION REQUEST

34645
Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE, MA 01741

Date Mailed: 10/21/2008

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 **04/16/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,545.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
12/006,245	12/31/2007	Hamid Ould Brahim	18905ROUS02U

CONFIRMATION NO. 5536

CONVERSION REQUEST

34645
Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE, MA 01741

OC00000032695067

Date Mailed: 10/21/2008

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 **04/15/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,546.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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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
12/214,077	06/09/2008	VLADIMIR PYSTIN	

CONFIRMATION NO. 1314

VLADIMIR PYSTIN
842 JURY COURT
SAN JOSE, CA 95112

CONVERSION REQUEST

OC000000032695396

Date Mailed: 10/21/2008

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 **09/15/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,547.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
12/217,445	07/03/2008	Michael David Flynn	Flynn

CONFIRMATION NO. 8705

CONVERSION REQUEST

30184
MYERS & KAPLAN
INTELLECTUAL PROPERTY LAW, L.L.C.
CUMBERLAND CENTER II
3100 CUMBERLAND BLVD , SUITE 1400
ATLANTA, GA 30339

OC00000032695722

Date Mailed: 10/21/2008

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 **08/04/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,548.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/131,861	06/02/2008	Rob (Qing Yuan) Ong	

CONFIRMATION NO. 6625

CONVERSION REQUEST

Rob (Qing Yuan) Ong
Solexel Inc.
1530 McCarthy Blvd
Milpitas, CA 95035

OC000000032695863

Date Mailed: 10/21/2008

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 **07/01/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,549.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/053,793	03/24/2008	Akhtar	44148-1022/123863-181517

CONFIRMATION NO. 4962

CONVERSION REQUEST

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

OC000000032695963

Date Mailed: 10/21/2008

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 **09/15/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,550.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/624,202	01/17/2007	Patrick J. Bergin	INOV.P0009P

CONFIRMATION NO. 6197

48947
ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

CONVERSION REQUEST

Date Mailed: 11/07/2008

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 **03/05/2007,** 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 Patent Application Processing (OPAP) 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 **61/007,551.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/983,563	12/19/2007	Geoffrey Smith	8006P021Z

CONFIRMATION NO. 6170

CONVERSION REQUEST

60938
BSTZ/G2 MICROSYSTEMS, INC.
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

OC000000033121341

Date Mailed: 11/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/07/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,552.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/983,563	12/19/2007	Geoffrey Smith	8006P021Z

CONFIRMATION NO. 6170

CONVERSION REQUEST

60938
BSTZ/G2 MICROSYSTEMS, INC.
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

OC000000033121341

Date Mailed: 11/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/07/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,552.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 11983563 on 01/14/2009

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/176,036	07/18/2008	Steven Holmes	208039/69254

CONFIRMATION NO. 1733

CONVERSION REQUEST

21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

OC000000033061998

Date Mailed: 11/12/2008

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 **08/28/2008,** 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 Patent Application Processing (OPAP) 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 **61/007,553.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JOHN S DILL
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DNW Apr-08

GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE WA 98004-5973

COPY MAILED

APR 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Jason Houston	:	
Application Number: 61/007577	:	DECISION ON PETITION
Filing Date: 12/12/2007	:	
Attorney Docket Number: 1938-031-02	:	

Receipt is acknowledged of the "Response to Notice of Omitted Item(s) In a Provisional Application" filed on March 5, 2008, which is treated as a petition to withdraw the Notice of Omitted Item(s) in a Provisional Application.

The petition is **DISMISSED**.

The application was filed on December 12, 2007. However, on February 6, 2008, the Office of Patent Application Processing mailed a "Notice" stating that the application had been accorded a filing date of December 12, 2007, and advising applicant that Figure 4 described in the specification appeared to have been omitted.

In response, the present petition was filed on March 5, 2008. Petitioner explains that Figure 4 was not missing on December 12, 2007. Instead, states petitioner, "Figure 4 was present in the provisional application papers as deposited but was not labeled."

It is obvious from the petition that no drawing was actually missing on December 12, 2007. Rather, the drawing of Figure 4 was simply unlabeled as a result of the applicant's filing error. However, the "Notice" mailed on February 6, 2008, was correct in stating that Figure 4 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, a petition fee of $400.00 is due.

The application will be processed using only the application papers filed on December 12, 2007.

The application is being returned to the Office Patent Application Processing for further processing with a filing date of December 12, 2007, using only the application papers filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Roeder & Broder LLP
5560 Chelsea Avenue
La Jolla CA 92037

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MAR 10 2008

OFFICE OF PETITIONS

In re Application of:	:	
DeLaurentiis et al.	:	
Application No. 61/007584	:	DECISION ON
Filing or 371(c) Date: 12/12/2007	:	PETITION
Attorney Docket Number: 20052.01.PRV	:	

This is a decision on the petition filed January 28, 2008. The petition is properly treated under 37 CFR 1.182. Applicant requests acknowledgment by this Office that pages 10-19 of the specification were in fact deposited with this Office on December 12, 2007.

Background

The application was filed on December 12, 2007. However, on January 3, 2008, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") stating that the application had been accorded a filing date, and advising applicants that pages 10-19 of the specification appeared to have been omitted from the application.

The present petition

In response to the Notice, the present petition was filed. In support of the petition, Applicant files the Declaration of Steven G. Roeder, who states that he personally reviewed the application and that 19 pages of specification, including integrated drawings, were present. Also filed are the a copy of the application Transmittal and a return receipt postcard, and an Express Mail Transmittal stating that 19 pages of specification were transmitted to this Office using Express Mail Label No. EV946045232US. The return receipt postcard acknowledges receipt by this Office of, in relevant part, a 19 page specification, including integrated drawings.

Applicant also asserts that ""the entire 19 pages of the specification, including integrated drawings filed on December 12, 2007, are attached hereto as Exhibit 'A' ". Applicant notes in the petition that pages 10-19 of the specification are a copy of U.S. Patent No. 7,253,253, as referred to in page nine of the filed specification.

Review of the Application File

A review of the application file reveals that this Office received the same nine (9) pages filed as Exhibit A with the present petition. No copy of U.S. Patent No. 7,253,253 is present in the application file. Applicant is advised that the USPTO file is the official record of the papers actually received or filed. In this instance, Exhibit A filed with the petition supports the correctness of the contents of the application file.

Applicant's evidence

1. Exhibit A

A review of exhibit A filed with the petition reveals that Exhibit A consists of nine (9) pages only. No copy of U.S. Patent No. 7,253,253 is present in Exhibit A. As such, Exhibit A mirrors, and thus supports, Office records.

2. The return receipt postcard

The best evidence of what was filed is Applicant's return receipt postcard. "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." MPEP § 503.

However, prima facie evidence is evidence sufficient to establish a given fact, and which, if not rebutted or contradicted, will remain sufficient.

Here, the official record, as well as Applicant Exhibit A, contradict the postcard receipt.

Moreover, the postcard does not state that a copy of U.S. Patent No. 7,253,253 was filed.

> 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.

In this instance the postcard does not itemize a copy U.S. Patent No. 7,253,253 as having been filed on December 12, 2007.

3. The Transmittal

Applicant is advised that an application transmittal is evidence of what an applicant intended to file, and is not evidence of what was actually filed in an application.

4. The Declaration of Steven G. Roeder

Regarding the Declaration of Steven G. Roeder, Applicant is reminded that the USPTO file is the official record of the papers actually received or filed. The file does not contain a copy of pages 10-19 of the specification. Applicant's (Mr. Roeder's) recollection of events that had occurred six weeks prior to the filing of the Declaration is not more persuasive than Office records. Moreover, Exhibit A, filed to support the petition, contradicts the Declaration.

4. Express Mail and Certificate of Mailing

Filing correspondence via Express Mail Service of the United States Post Office will support according a filing date to the application papers deposited Express Mail. Here, the Express Mail mailing label contains a "Date-In" of December 12, 2007. The application papers were accorded as a filing date the date the application papers were filed via Express Mail - December 12, 2007. The certificate of mailing procedure, under 37 CFR 1.8, does not apply to the filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date.

Conclusion

The petition is dismissed.

The application file will be referred to the Office of Initial Patent Examination for further processing with a filing date of December 12, 2007, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/007,838	12/15/2007	Les Okrasa	

CONFIRMATION NO. 5918

Cosmic Descent. LLC.
29 Belmont Ave.
Enfield, CT 06082

Date Mailed: 04/06/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/07/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
11/625,112	01/19/2007	PATRICIA Marie SAVU	62826US002

CONFIRMATION NO. 7875

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000027362637

Date Mailed: 12/19/2007

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 **10/30/2007,** 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 **61/007,894.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/625,112	01/19/2007	PATRICIA Marie SAVU	62826US002	7875

32692 7590 11/02/2007

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
ART UNIT	PAPER NUMBER
1751	

NOTIFICATION DATE	DELIVERY MODE
11/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

Copied from 11625112 on 12/18/2007

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

CST

11-1-07

In re application of
Patricia Marie Savu et al
Serial No. 11/625,112
Filed: January 19, 2007
For: FLUORINATED SURFACTANTS AND METHODS OF USING THE SAME

DECISION ON PETITION

This is a decision on the PETITION TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed October 30, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11625112 on 12/18/2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/888,413	07/31/2007	Atul Bedi	JHU2180-3

CONFIRMATION NO. 5242

28213
DLA PIPER US LLP
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

CONVERSION REQUEST

OC000000027366818

Date Mailed: 12/19/2007

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 **10/30/2007,** 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 **61/007,895.** 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

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
11/927,451	10/29/2007	Randy C. Gee	060933-1800

CONFIRMATION NO. 6025

30542
FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

CONVERSION REQUEST

Date Mailed: 12/19/2007

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 **11/05/2007,** 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 **61/007,896.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
11/611,049	12/14/2006	Bao-Shan HUANG	P31168

CONFIRMATION NO. 3732

CONVERSION REQUEST

7055
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

OC000000027371769

Date Mailed: 12/20/2007

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 **10/11/2007,** 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 **61/007,897.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 16 2007

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of :
Bao-Shan Huang :
Serial No.: 11/611,049 : CONVERSION TO PROVISIONAL
Filed: December 14, 2006 :
Attorney Docket No.: P31168 :

This is in response to applicants' request, filed October 11, 2007, 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 11611049 on 12/19/2007

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/499,244	08/04/2006	Joel D. Moore	4056.1119 US

CONFIRMATION NO. 1236

38473
ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD, MA 01863

CONVERSION REQUEST

OC000000027454458

Date Mailed: 01/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/29/2007,** 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 **61/007,898.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 27 2007

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

ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD MA 01863

In re Application of	:
Joel D. Moore et al	:
Serial No.: 11/499,244	: CONVERSION TO PROVISIONAL
Filed: August 4, 2006	:
Attorney Docket No.: 4056.1119US	:

This is in response to applicants' request, filed May 29, 2007, 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 11499244 on 01/14/2008

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/846,949	08/29/2007	Phillip Nauta	15579-4

CONFIRMATION NO. 1338

CONVERSION REQUEST

OC000000027659625

AIR MAIL
1059
BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

Date Mailed: 01/14/2008

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 **12/14/2007,** 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 **61/007,899.** 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

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,949	08/29/2007	Phillip Nauta	15579-4	1338

1059 7590 12/19/2007

BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

EXAMINER	
SAVAGE, MATTHEW O	
ART UNIT	**PAPER NUMBER**
1797	

MAIL DATE	DELIVERY MODE
12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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

CST

12-19-07

In re application of :
Phillip Nauta et al :
Serial No. 11/846,949 : DECISION
Filed: August 29, 2007 : ON PETITION
For: FILTER ASSEMBLY :

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed December 14, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/499,844	08/04/2006	Datong Tang	4056.1108 US

CONFIRMATION NO. 1655

38473
ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD, MA 01863

CONVERSION REQUEST

OC000000027454743

Date Mailed: 01/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/29/2007,** 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 **61/007,900.** 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

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NOV 27 2007

ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD MA 01863

In re Application of	:	
Datong Tang et al	:	
Serial No.: 11/499,844	:	CONVERSION TO PROVISIONAL
Filed: August 4, 2006	:	
Attorney Docket No.: 4056.1108US	:	

This is in response to applicants' request, filed May 29, 2007, 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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,413	08/11/2006	Deqiang Niu	4056.4114 US

CONFIRMATION NO. 8967

38473
ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD, MA 01863

CONVERSION REQUEST

OC000000027454798

Date Mailed: 01/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/29/2007,** 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 **61/007,901.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 27 2007

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ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD MA 01863

In re Application of	:	
Deqiang Niu et al	:	
Serial No.: 11/503,413	:	CONVERSION TO PROVISIONAL
Filed: August 11, 2006	:	
Attorney Docket No.: 4056.4114US	:	

This is in response to applicants' request, filed May 29, 2007, 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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,487	08/11/2006	Ying Sun	4056.1107 US

CONFIRMATION NO. 9016

38473
ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD, MA 01863

CONVERSION REQUEST

OC000000027455119

Date Mailed: 01/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/29/2007,** 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 **61/007,902.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/546,525	10/11/2006	Timothy M. Swager	M0925.70179US00

CONFIRMATION NO. 2668

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

CONVERSION REQUEST

OC000000027455376

Date Mailed: 12/27/2007

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 **10/11/2007,** 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 **61/007,903.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
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DEC 10 2007

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of	:	
Timothy M. Swager et al	:	
Serial No.: 11/546,525	:	CONVERSION TO PROVISIONAL
Filed: October 11, 2006	:	
Attorney Docket No.: 633081US002	:	

This is in response to applicants' request, filed October15, 2007 (Certificate of Mailing dated October 11, 2007), 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 11546525 on 12/27/2007

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/598,204	11/13/2006	Martinus Wilhelmus Van Den Heuvel	081468-0358599

CONFIRMATION NO. 7460

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

CONVERSION REQUEST

Date Mailed: 12/27/2007

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 **10/18/2007,** 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 **61/007,904.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,204	11/13/2006	Martinus Wilhelmus Van Den Heuvel	081468-0358599	7460

909 7590 12/19/2007

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
BUSHEY, CHARLES S	
ART UNIT	**PAPER NUMBER**
1797	

MAIL DATE	DELIVERY MODE
12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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

CST

12-19-07

In re application of	:	
Martinus Wilhelmus Van Den Heuvel	:	
Serial No. 11/598,204	:	DECISION
Filed: November 13, 2006	:	ON PETITION
For: LITHOGRAPHIC APPARATUS AND DEVICE MANUFACTURING METHOD	:	

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed October 18, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/613,924	12/20/2006	BEOM SOO PARK	APPM/011438/DISPLAY/ AKT/R

CONFIRMATION NO. 8513

44257
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

CONVERSION REQUEST

OC000000027456321

Date Mailed: 12/27/2007

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 **11/13/2007,** 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 **61/007,905.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/613,924	12/20/2006	BEOM SOO PARK	APPM/011438/DISPLAY/AKT/R	8513

44257 7590 12/19/2007
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

EXAMINER	
TUROCY, DAVID P	

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Copied from 11613924 on 12/27/2007

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

CST

12-19-07

In re application of :
Beom Soo Park et al :
Serial No. 11/613,924 : DECISION
Filed: December 20, 2006 : ON PETITION
For: PREVENTION OF POROUS FILM :
DEPOSITION ON PECVD PROCESS :
CHAMBER WALL BY SUSCEPTOR :
EXTENSION BAR :

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed November 13, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/613,934	12/20/2006	Beom Soo Park	011439 DISPLAY/AKT

CONFIRMATION NO. 8525

44257
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

CONVERSION REQUEST

Date Mailed: 12/27/2007

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 **11/13/2007,** 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 **61/007,906.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/613,934	12/20/2006	Beom Soo Park	011439 DISPLAY/AKT	8525

44257 7590 12/19/2007
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

EXAMINER	
TUROCY, DAVID P	
ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CST

12-19-07

In re application of	:	
Beom Soo Park et al	:	
Serial No. 11/613,934	:	DECISION
Filed: December 20, 2006	:	ON PETITION
For: PREVENTION OF POROUS FILM	:	
DEPOSITION ON CHAMBER WALL	:	
BY WIDE GROUND STRAP	:	

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed November 13, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11613934 on 12/27/2007

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/819,619	06/28/2007	Yoshiyuki Arakawa	29250-002298/US

CONFIRMATION NO. 1229

CONVERSION REQUEST

30594
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Date Mailed: 12/27/2007

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 **10/18/2007,** 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 **61/007,907.** 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

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
	10/06/2006	Orhan Soykan	42173/P008US

CONFIRMATION NO. 9744

62618
CAROL M. NIELSEN
WINSTEAD PC
600 Travis, Suite 1100
HOUSTON, TX 77002-2900

CONVERSION REQUEST

OC000000027594269

Date Mailed: 01/29/2008

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 **09/26/2007,** 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 **61/007,908.** 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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/838,066	08/13/2007	Theodore Charles Lamson	83455.0002.D4

CONFIRMATION NO. 6099

30076
STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES, CA 90067

CONVERSION REQUEST

Date Mailed: 01/08/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/05/2007,** 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 **61/007,909.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/499,245	08/04/2006	Ying Sun	4056-1106 US (ENP-106)

CONFIRMATION NO. 1235

38473
ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD, MA 01863

CONVERSION REQUEST

OC000000027454620

Date Mailed: 01/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/29/2007,** 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 **61/007,910.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD MA 01863

In re Application of	:	
Ying Sun et al	:	
Serial No.: 11/499,245	:	CONVERSION TO PROVISIONAL
Filed: August 4, 2006	:	
Attorney Docket No.: 4056.1106US	:	

This is in response to applicants' request, filed May 29, 2007, 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 11499245 on 01/14/2008

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
11/616,572	12/27/2006	Cathy Jean Ludwig	1410/77436

CONFIRMATION NO. 2755

CONVERSION REQUEST

48940
FITCH EVEN TABIN & FLANNERY
120 S. LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

OC000000027660039

Date Mailed: 01/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/18/2007,** 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 **61/007,911.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA22313-1450
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DEC 26 2007

FITCH EVEN TABIN & FLANNERY
120 S. LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
Cathy Jean Ludwig et al	:	
Serial No.: 11/616,572	:	CONVERSION TO PROVISIONAL
Filed: December 27, 2006	:	
Attorney Docket No.: 1410/77436	:	

This is in response to applicants' request, filed December 18, 2007, 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 11616572 on 01/14/2008

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/640,769	12/18/2006	Christopher D. Hickam	05-910

CONFIRMATION NO. 7878

719
Caterpillar Inc.
Intellectual Property Dept.
AB 6490
100 N.E. Adams Street
PEORIA, IL 61629-6490

CONVERSION REQUEST

Date Mailed: 01/22/2008

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 **09/25/2007,** 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 **61/007,912.** 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

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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Caterpillar Inc.
Intellectual Property Dept.
AB 6490
100 N.E. Adams Street
PEORIA IL 61629-6490

MAIL

DEC 27 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Christopher D. Hickam
Serial No.: 11/640,769
Filed: December 18, 2006
For: **ELECTRICAL INTERFACE SYSTEM**

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(c)(2), filed September 25, 2007, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(c)(2).

The petition is **GRANTED.**

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing as a PROVISIONAL application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(c)(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
Quality Assurance Specialist
Technology Center 2600
Communications
(571) 272-7288

Copied from 11640769 on 01/22/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/803,021	05/11/2007	Masafumi Motosugi	OMRNP151A/D1189US

CONFIRMATION NO. 5792

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

CONVERSION REQUEST

OC000000027843352

Date Mailed: 01/22/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/05/2007,** 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 **61/007,913.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/951,352	12/06/2007	EUGENE BEILIS	BEILIS-43001-PR

CONFIRMATION NO. 8208

CONVERSION REQUEST

GENE
BEILIS
20-21 WAGARAW RD
BLDG 31B
FAIR LAWN, NJ 07410

OC000000027844209

Date Mailed: 01/22/2008

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 **01/03/2008,** 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 **61/007,914.** 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

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
11/640,442	12/15/2006	Jim Pitkow	FRDWP001

CONFIRMATION NO. 5199

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

CONVERSION REQUEST

OC000000027863175

Date Mailed: 01/23/2008

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 **10/15/2007,** 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 **61/007,915.** 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

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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MAIL

JAN 10 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014

In re Application of:
PITKOW, JIM et al.
Serial No.: 11/640,442
Filed: December 15, 2006
For: **NETWORK INTERACTION MONITORING APPLIANCE**

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the request for conversion which is being treated as a petition under 37 C.F.R. § 1.53(c)(2), filed October 15, 2007, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(c)(2).

The petition is **GRANTED.**

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications
(571) 272-3068

Copied from 11640442 on 01/23/2008

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
11/743,086	05/01/2007	Harold Alban Hess	68793(302867)

CONFIRMATION NO. 6092

21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

CONVERSION REQUEST

OC000000027902260

Date Mailed: 02/19/2008

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 **01/11/2008,** 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 **61/007,916.** 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

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

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

COPY MAILED

NOV 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Hess :
Application No. 61/007,916 : DECISION ON PETITION
Deposited: May 1, 2007 :
Attorney Docket No. 68793(302867) :

This is a decision on the petition under 37 CFR 1.181, requesting that the Office withdraw the termination of proceedings in the above-identified application and the petition under 37 CFR 1.53(e), requesting that the Office accord the above-identified application a filing date of may 1, 2007.

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

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

Proceedings in this application were terminated for failure of applicant to reply to the Notice of Incomplete Provisional Application, mailed February 27, 2008, which set a two (2) month period for reply.

A Notice of Termination of Proceedings under 37 CFR 1.53(e) was mailed on June 5, 2008.

Petitioner asserts that the Notice dated June 5, 2008 was not received.

The situation at hand is analogous to a situation where a petition to withdraw the holding of abandonment would be appropriate. The showing required to establish the failure to receive an Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner'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 satisfies the above-stated requirements. The Notice of Termination of Proceedings under 37 CFR 1.53(d) is hereby vacated and the petition under 37 CFR 1.181 is **GRANTED**.

Petitioner responded to the February 27, 2008 Notice of Incomplete Provisional Application on July 31, 2008. As such, it is unnecessary to re-mail the Notice.

The February 27, 2008 Notice stated that the application had not been accorded a filing date because it lacked a specification. The Notice required applicant to submit a specification and a provisional application cover sheet or an ADS.

Petitioner argues that the application, as filed, contained a specification. The pro se inventor filed the application using the EFS-Web system and entered a four sentence paragraph into the title block on EFS-Web. The fours sentence paragraph provides a written description of the invention sufficient to meet the requirements of 35 U.S.C. 112.

The application, as filed, is entitled to a filing date of May 1, 2007.

The petition fee of $130.00 will be refunded to deposit account no. 04-1105. A $770.00 petition to revive fee was erroneously charged on August 1, 2008 and will be refunded to the same deposit account. In addition, the $130.00 processing fee charged when proceedings were incorrectly terminated will be refunded to the same deposit account. The $105.00 filing fee and the $25.00 late filing fee or cover sheet surcharge will be charged to the same deposit account.

This application is being referred to the Office of Patent Application Processing for further processing of the application with a filing date of **May 1, 2007**. The 4 sentence paragraph found in the "Title of Invention" block of the Electronic Acknowledgement Receipt, dated May 1, 2007, will be the application's specification.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/877,619	10/23/2007	Edan Prabhu	22549-002001

CONFIRMATION NO. 8220

26231
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

CONVERSION REQUEST

Date Mailed: 01/24/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/14/2008,** 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 **61/007,917.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/777,169	07/12/2007	Teusink BAS	069818-8700

CONFIRMATION NO. 8069

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

CONVERSION REQUEST

Date Mailed: 02/04/2008

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 **09/14/2007,** 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 **61/007,918.** 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

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./TITLE
11/957,056	12/14/2007	Tsutomu KATSUMATA	KATSUMATA7

CONFIRMATION NO. 8606

CONVERSION REQUEST

1444
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

OC000000028102188

Date Mailed: 02/04/2008

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 **01/23/2008,** 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 **61/007,919.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/701,329	01/31/2007	Joseph J. Viavattine	P0024139.00

CONFIRMATION NO. 3636

27581
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

CONVERSION REQUEST

Date Mailed: 02/04/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/30/2008,** 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 **61/007,920.** 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

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
11/796,559	04/27/2007	Edward M. Malle	13174.80US01

CONFIRMATION NO. 2687

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

CONVERSION REQUEST

OC000000028102808

Date Mailed: 02/04/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/18/2007,** 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 **61/007,921.** 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

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/979,468	11/02/2007	Simon Douglas Hilton	P72258US0

CONFIRMATION NO. 1035

CONVERSION REQUEST

136
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

OC000000028102942

Date Mailed: 02/04/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/22/2008,** 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 **61/007,922.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
11/840,639	08/17/2007	Oiwei He	3254.NWN

CONFIRMATION NO. 1678

35157
NATIONAL STARCH AND CHEMICAL COMPANY
P.O. BOX 6500
BRIDGEWATER, NJ 08807-3300

CONVERSION REQUEST

OC000000028103078

Date Mailed: 02/05/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/09/2007,** 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 **61/007,923.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/840,639	08/17/2007	Oiwei He	3254.NWN	1678

35157 7590 01/25/2008
NATIONAL STARCH AND CHEMICAL COMPANY
P.O. BOX 6500
BRIDGEWATER, NJ 08807-3300

EXAMINER	
SCOTT, ANGELA C	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
01/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@nstarch.com

Copied from 11840639 on 04/14/2008

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

CST

1-25-08

In re application of :
Qiwei He et al :
Serial No. 11/840,639 : DECISION
Filed: August 17, 2007 : ON PETITION
For: HOT MELT ADHESIVES CONTAINING :
STYRENE BUTADIENE BLOCK :
COPOLYMER :

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed November 9, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 11840639 on 04/14/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/924,607	10/26/2007	Edan Prabhu	22549-003001

CONFIRMATION NO. 1539

26231
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

CONVERSION REQUEST

OC000000028103957

Date Mailed: 02/04/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/14/2008,** 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 **61/007,924.** 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

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/879,249	07/17/2007	Alfredo Flores Galvez	9 SoyL.7

CONFIRMATION NO. 3815

CONVERSION REQUEST

71731
KATHRYN P.WILKE
C/O GAW VAN MALE
769 HORIZON DRIVE
MARTINEZ, CA 94553

Date Mailed: 02/04/2008

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 **09/15/2007,** 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 **61/007,925.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/895,869	08/27/2007	David R. Mills	627152001100

CONFIRMATION NO. 3069

CONVERSION REQUEST

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

OC000000028292401

Date Mailed: 02/13/2008

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 **12/21/2007,** 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 **61/007,926.** 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

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

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

In re Application of:
Mills, David R. et al
Serial No.: 11/895,869
Filed: Aug. 27, 2007
Attorney Docket: 627152001100
Title: LINEAR FRESNEL SOLAR ARRAYS

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(C)(2) and MPEP 601.01(C)

This is a decision on the petition for conversion to a provisional application under 37 CFR 1.53 (C)(2).

The petition filed on Dec. 21, 2007 requests conversion to a provisional application under 37 CFR 1.53(C)(2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q) and 1.16(k). It was also filed within the time frames as set forth in 37 CFR 1.53 (C)(2) (i-iii).

The fee of $50.00 was charged against the Deposit Account in accordance with 37 CFR 1.17(q) as authorized in the petition.

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

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Program Examiner, at (571) 272-4856.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

Copied from 11895869 on 02/13/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/641,127	12/18/2006	Timothy M. Swager	M0925.70181US01

CONFIRMATION NO. 7369

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

CONVERSION REQUEST

OC000000028313713

Date Mailed: 02/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/02/2007,** 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 **61/007,927.** 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

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
11/760,679	06/08/2007	Heather R. Sanders	054769-7102

CONFIRMATION NO. 8645

30542
FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

CONVERSION REQUEST

Date Mailed: 02/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/01/2008,** 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 **61/007,928.** 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

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

FEB 0 5 2008

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

In re Application of	:
Sanders et al.	:
Serial No.: 11/760,679	: CONVERSION TO PROVISIONAL
Filed: June 8, 2007	:
Attorney Docket No.: **054769-7102**	:

This is in response to applicants' request, filed February 1, 2008, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Examiner
Technology Center 1600

Copied from 11760679 on 02/14/2008

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
11/760,679	06/08/2007	Heather R. Sanders	054769-7102

CONFIRMATION NO. 8645

CONVERSION REQUEST

30542
FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

OC000000028313987

Date Mailed: 02/25/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/01/2008,** 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 **61/007,928.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

CHARLES LEWIS
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199

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
11/766,500	06/21/2007	John Thomas Stites	005127.00901

CONFIRMATION NO. 9487

22909
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

CONVERSION REQUEST

OC000000028314219

Date Mailed: 02/14/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/11/2008,** 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 **61/007,929.** 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

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
11/352,457	02/13/2006	Luis Daniel Elizondo	LDE-5716-PROV

CONFIRMATION NO. 2199

24956
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

CONVERSION REQUEST

OC00000028370708

Date Mailed: 02/19/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/13/2007,** 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 **61/007,930.** 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

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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MAILED
FROM DIRECTOR'S OFFICE

DEC 0 5 2007

TECHNOLOGY CENTER 3600

Mattingly, Stanger, Malur & Brundidge, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

In re application of :
Luis Daniel Elizondo :
Application No. 11/352,457 : DECISION ON PETITION
Filed: February 13, 2006 : TO CONVERT TO A
For: NEVER SHIP EMPTY – A SYSTEM : PROVISIONAL APPLICATION
FOR INTERCHANGING SUPER- :
STRUCTURES WITH HULLS FOR OCEAN
GOING VESSELS IN WHICH THE
SUPERSTRUCTURE IS REMOVABLE AND
INTERCHANGABLE WITH COMPATIBLE HULLS

This is a decision on the petition under 37 CFR 1.53(c)(2) filed February 13, 2007 to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The requirements for the granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for a statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**. The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated to applicant by OIPE in due course.

Steven N. Meyers,
Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-6611

SM/SM: 3/5/07

Copied from 11352457 on 02/19/2008

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
11/550,440	10/18/2006	David R. Holm	62604US002

CONFIRMATION NO. 8679

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC00000028377927

Date Mailed: 02/20/2008

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 **10/04/2007,** 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 **61/007,931.** 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

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
61/007,931		David R. Holm	62604US002	8679

32692 7590 02/20/2008
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
NAKARANI, DHIRAJLAL S	
ART UNIT	**PAPER NUMBER**
1794	

NOTIFICATION DATE	DELIVERY MODE
02/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

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

CST

2-20-08

In re application of
David R. Holm et al
Serial No. 11/550,440
Filed: October 18, 2007
For: ANTIMICROBIAL ARTICLES AND METHOD OF MANUFACTURE

DECISION ON PETITION

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed October 4, 2007.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/683,933	03/08/2007	Peter M. Eisenberg	63016US002 (1004-270US01)

CONFIRMATION NO. 1795

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

OC000000028380594

Date Mailed: 02/20/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/24/2007,** 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 **61/007,932.** 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

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

2/15/08

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of:
Eisenberg, Peter M. et al.
Serial No.: 11/683,933
Filed: Mar. 8, 2007
Attorney Docket: 63016US002 (1004-270US01)
Title: SPECIMEN TRACKING AND MANAGEMENT VERIFICATION

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(C)(2) and MPEP 601.01(C)

This is a decision on the petition for conversion to a provisional application under 37 CFR 1.53 (C)(2).

The petition filed on Oct. 24, 2007 requests conversion to a provisional application under 37 CFR 1.53(C)(2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q) and 1.16(k). It was also filed within the time frames as set forth in 37 CFR 1.53 (C)(2) (i-iii).

The fee of $50.00 was charged against the Deposit Account # 50-1778 in accordance with 37 CFR 1.17(q) as authorized in the petition.

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

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Frederick R. Schmidt, Director
Technology Center 3700

Copied from 11683933 on 02/19/2008

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
11/683,940	03/08/2007	Peter M. Eisenberg	63003US002 (1004-263US01)

CONFIRMATION NO. 1806

32692
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

CONVERSION REQUEST

Date Mailed: 02/21/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/24/2007,** 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 **61/007,933.** 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of:
EISENBERG, PETER M. et al
Serial No.: 11/683,940
Filed: Mar. 8, 2007
Attorney Docket: 63003US002 (1004-263US01)
Title: SPECIMEN TRACKING AND MANAGEMENT

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.153(C)(2) and MPEP 601.01(C)

This is a decision on the petition for conversion to a provisional application under 37 CFR 1.53 (C)(2).

The petition filed on Oct. 24, 2007 requests conversion to a provisional application under 37 CFR 1.53(C)(2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q) and 1.16(k). It was also filed within the time frames as set forth in 37 CFR 1.53 (C)(2) (i-iii).

The fee of $50.00 was charged in accordance with 37 CFR 1.17(q).

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. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Henry C. Yuen
Special Programs Examiner
Technology Center 3700

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

SERENA GREENE
3513 AVENUE D
PRIVATE HOUSE
BROOKLYN, NY 11203

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OCT 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Greene, Serena	:	
Application No. 61/007,979	:	ON PETITION
Filed: December 18,2 007	:	
Title: Shur Stop a.k.a. Underarm Pads	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 3, 2008, 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 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 $1620.00. 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, $810.00. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

Petitioner has requested monthly installments of the petition fee. Patent fees and charges payable to the United States Patent and Trademark Office are required to be paid in advance; that is, at the time of requesting any action by the Office for which a fee or charge is payable. The petition fee must be paid in full in order for consideration to be given. Payment may be made by cashier's or certified check, Treasury note, national bank notes, United States Postal Service money order, or by credit card.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/008,155	12/18/2007	Les Okrasa	

CONFIRMATION NO. 7615

Cosmic Descent, LLC
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 04/06/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/07/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Balint et al.	:	
Application No. 61/008,275	:	DECISION ON PETITION
Filed: December 18, 2007	:	
Attorney Docket No: 027805-000100US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed February 21, 2008. 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 April 22, 2008. A Notice of Abandonment was mailed October 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a Statutory basic filing fee of $10.00 (charged to petitioner's deposit account as authorized on December 15, 2008) and the $25.00 surcharge fee; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition 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

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JAN 25 2010

OFFICE OF PETITIONS

JAMES REGINALD HARRIS, JR.
UNIT B
215 10TH STREET
ST. AUGUSTINE, FL 32080

In re Application of :
JAMES REGINALD HARRIS, JR. :
Application No. 61/008,623 : RESPONSE
Filed: December 21, 2007 :
Attorney Docket No. N/A :

This is in response to the petition filed July 6, 2009 in the above-identified application.

The petition is **DISMISSED** without being considered on the merits.

It is noted that the petition filed on July 6, 2009 is considered to be a petition for revival of an abandoned application for patent. However, as petitioner appears to have indicated both "unavoidable + unintentional delay", it is not clear whether petitioner intended for the petition to be treated under 37 CFR 1.137(a) based upon unavoidable delay or under 37 CFR 1.137(b) based upon unintentional delay.

If petitioner intended the petition filed July 6, 2009 to be treated under 37 CFR 1.137(a), then 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 unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $540. 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.

If petitioner intended the petition filed July 6, 2009 to be treated under 37 CFR 1.137(b), then 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 $1,620. 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.

Since the petition filed July 6, 2009 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.

Applicant is advised that a grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply to the "Notice to File Missing Parts of Provisional Application" mailed January 23, 2008 in the form of another $5.00 to complete the basic small entity statutory filing fee under 37 CFR 1.16(d) of $105.00 and the small entity surcharge (for late submission of filing fee) under 37 CFR 1.16(g) of $25.00; (2) the small entity petition fee under 37 CFR 1.17(l) of $270.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. Petition Form PTO/SB/61 for revival based upon the unavoidable standard can be found on the United States Patent and Trademark Office's website.

Applicant is also advised that a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply to the "Notice to File Missing Parts of Provisional Application" mailed January 23, 2008 in the form of another $5.00 to complete the basic small entity statutory filing fee under 37 CFR 1.16(d) of $105.00 and the small entity surcharge (for late submission of filing fee) under 37 CFR 1.16(g) of $25.00; (2) the small entity petition fee under 37 CFR 1.17(m) of $810.00; and (3) a proper statement of unintentional delay. Petition Form PTO/SB/64 for revival based upon the unintentional standard can be found on the United States Patent and Trademark Office's website.

The two petitions are similar but have very different standards. Petitions under the unavoidable standard are less expensive; however, the showing that must be made is more rigorous. You should further note that where there has been an extended period of delay, the Commissioner may inquire as to the circumstances of that 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 fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A courtesy copy of this Response is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

By hand: Customer 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) 272-3687.

Anthony Knight
Supervisor
Office of Petitions

CC JAMES REGINALD HARRIS, JR.
C/O MARY HARRIS
4185 FAIRWAY DRIVE
CEDAR, MI 49621

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

J. MASLOW
CUNY TECHNOLOGY COMMERCIALIZATION OFFICE
555 West 57th Street, Suite 1407
New York, NY 10019

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
SHINNAR, REUEL	:	
Application No. 61/008,635	:	DECISION GRANTING PETITION
Filed: December 21, 2007	:	
Attorney Docket No. 07A0067-P1	:	

This is a decision on the "PETITION TO CORRECT FILING DATE ACCORDING TO 37 C.F.R. § 1.10 filed December 16, 2008, which is properly being treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 21, 2007, rather than the presently accorded date of December 22, 2007.

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 21, 2007, pursuant to 37 CFR 1.10. In support, applicant submitted a copy of Express Mail label No. EO942305762US. The "date-in" shown on the Express Mail label is blank; however, the label contains a USPS postal stamp date of December 21, 2007. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

In view of the corroborating evidence submitted by applicant, it is concluded that the application was deposited in Express Mail service on December 21, 2007. Accordingly, the petition is **GRANTED** and the present application will be accorded a filing date of December 21, 2007.

This application is being forwarded to the Office of Patent Application Processing **to correct the filing date to December 21, 2007**, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ADAM H. JACOBS
1904 FARNAM STREET
SUITE 726
OMAHA NE 68102

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JUN 2 0 2008

OFFICE OF PETITIONS

In re Application of
Hamilton
Application No. 61/008,717
Deposited: December 21, 2007
Attorney Docket No. 1683-001
For: METHOD FOR CUSTOM DESIGNING AND MODIFYING HOODS FOR SWEATSHIRTS

ON PETITION

This is a decision on the correspondence entitled, "PETITION FOR REFUND OF PETITION FEE ACCOMPANYING PETITION FOR ACCORDING ORIGINAL FILING DATE," filed March 26, 2008 (certificate of mailing date March 21, 2008). The petition will be treated under 37 CFR 1.53(e), as a petition to accord a filing date of December 21, 2007 to the above-identified application.

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

The application was deposited on December 21, 2007. However, on January 22, 2008, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring a drawing of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawing. It is noted that the specification filed on December 21, 2007 refers to a drawing figure.

Petitioner requests that the application as-filed be accorded a December 21, 2007 filing date because drawings are not required for the understanding of the invention.

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.

It is noted that the Brief Description of the Drawings states the omitted figure was supposed to be... " a flow diagram of the method of the present invention."

This provisional application contains at least some disclosure for which a drawing is usually not considered essential for a filing date. Therefore, the application should have been accorded a filing date without a drawing.

In view of the above, the "Notice" mailed January 22, 2008 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of December 21, 2007 without a drawing figure. The petition is **granted**.

Pursuant to petitioner's authorization, the $400.00 petition fee will be refunded via a Treasury check that will be scheduled shortly.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of **December 21, 2007** and the mailing of a filing receipt reflecting the December 21, 2007 filing date.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/009,066	12/21/2007	Les Okrasa	2706120309

CONFIRMATION NO. 2913

Cosmic Descent, LLC
29 Belmont Ave
Enfield, CT 06080

Date Mailed: 04/05/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/07/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/009,067	12/21/2007	Les Okrasa	

CONFIRMATION NO. 2908

Cosmic Descent, LLC
29 Belmont Ave
Enfield, CT 06082

Date Mailed: 05/06/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/07/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/009,068	12/21/2007	Les Okrasa	

CONFIRMATION NO. 2917

Cosmil Descent, LLC
29 Belmont Ave
Enfield, CT 06087

Date Mailed: 04/05/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/07/2008,** 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 abandonment 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 the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

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

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 25 2010

OFFICE OF PETITIONS

JAMES REGINALD HARRIS, JR.
UNIT B
215 10TH STREET
ST. AUGUSTINE, FL 32080

In re Application of :
JAMES REGINALD HARRIS, JR. :
Application No. 61/009,517 : RESPONSE
Filed: December 31, 2007 :
Attorney Docket No. N/A :

This is in response to the petition filed July 6, 2009 in the above-identified application.

The petition is **DISMISSED** without being considered on the merits.

It is noted that the petition filed on July 6, 2009 is considered to be a petition for revival of an abandoned application for patent. However, as petitioner appears to have indicated both "unavoidable + unintentional delay", it is not clear whether petitioner intended for the petition to be treated under 37 CFR 1.137(a) based upon unavoidable delay or under 37 CFR 1.137(b) based upon unintentional delay.

If petitioner intended the petition filed July 6, 2009 to be treated under 37 CFR 1.137(a), then 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 unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $540. 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.

If petitioner intended the petition filed July 6, 2009 to be treated under 37 CFR 1.137(b), then 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 $1,620. 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.

Since the petition filed July 6, 2009 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.

Applicant is advised that a grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply to the "Notice to File Missing Parts of Provisional Application" mailed January 24, 2008 in the form of another $5.00 to complete the basic small entity statutory filing fee under 37 CFR 1.16(d) of $105.00 and the small entity surcharge (for late submission of filing fee) under 37 CFR 1.16(g) of $25.00; (2) the small entity petition fee under 37 CFR 1.17(l) of $270.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. Petition Form PTO/SB/61 for revival based upon the unavoidable standard can be found on the United States Patent and Trademark Office's website.

Applicant is also advised that a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply to the "Notice to File Missing Parts of Provisional Application" mailed January 24, 2008 in the form of another $5.00 to complete the basic small entity statutory filing fee under 37 CFR 1.16(d) of $105.00 and the small entity surcharge (for late submission of filing fee) under 37 CFR 1.16(g) of $25.00; (2) the small entity petition fee under 37 CFR 1.17(m) of $810.00; and (3) a proper statement of unintentional delay. Petition Form PTO/SB/64 for revival based upon the unintentional standard can be found on the United States Patent and Trademark Office's website.

The two petitions are similar but have very different standards. Petitions under the unavoidable standard are less expensive; however, the showing that must be made is more rigorous. You should further note that where there has been an extended period of delay, the Commissioner may inquire as to the circumstances of that 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 fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A courtesy copy of this Response is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

By hand: Customer 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) 272-3687.

Anthony Knight
Supervisor
Office of Petitions

CC JAMES REGINALD HARRIS, JR.
C/O MARY HARRIS
4185 FAIRWAY DRIVE
CEDAR, MI 49621

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ALLEN K. MURRAY
GLYCOZYME, INC.
STE. E
17935 SKY PARK CIRCLE
IRVINE CA 92614-6321

COPY MAILED

NOV 17 2008

OFFICE OF PETITIONS

In re Application of :
Allen K. Murray :
Application Number: 61/009783 :
Filing Date: 12/31/2007 :
For: METHOD FOR ISOLATION OF :
CELLULOSE AND ANALYSIS OF :
CELLULOSE BY SEQUENTIAL ACID :
HYDROLYSIS AND SUBSEQUENT :
CARBOHYDRATE ANALYSIS :

ON PETITION

This is a decision in reference to the "REQUEST TO WITHDRAW FILING OF ABANDONMENT" filed on October 10, 2008, which is treated as a petition to withdraw the holding of abandonment.

This application became abandoned on March 26, 2008, for failure to file a timely reply to the Notice to File Missing Parts of Provisional Application mailed on January 25, 2008, 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 October 2, 2008.

Petitioner *pro se* asserts that the Notice to File Missing Parts of Provisonal Application was never received.

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Provisional Application ("Notice") mailed on January 25, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by showing that the Notice mailed on January 25, 2008, was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation

that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

The practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (*e.g.*, if the practitioner has a history of not receiving Office actions).

As such, petitioner must provide a showing that the Notice to File Missing Parts of Provisional Application was in fact not received. Petitioner has not provided evidence as stated above showing that the Notice was not received. In the absence of a showing of evidence that the Notice was not received, the holding of abandonment will not be withdrawn.

As such the application is properly held abandoned.

The petition is **DISMISSED.**

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.**[1]

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to 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);

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[1] 37 CFR 1.181(f).

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

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

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

In addition to the petition fee, $5.00 is due from the applicant to cover the filing fee and surcharge.

A courtesy copy of the petition form and the current fee schedule has been included for petitioner's use in preparing a reply, should petitioner wish to file a petition to revive the 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cf: PTO/SB/64
Current Fee Schedule

UNITED STATES PATENT AND TRADEMARK OFFICE
Effective October 2, 2008

Any fee amount paid on or after October 2, 2008, must be paid as shown in the revised fee schedule.
The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.
For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Application Filing Fees				
1011/2011	1.16(a)(1)	Basic filing fee - Utility ***filed on or after December 8, 2004***	330.00	165.00
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) ***filed on or after December 8, 2004***	N/A	82.00
1001/2001	1.16(a)(2)	Basic filing fee - Utility ***filed before December 8, 2004***	850.00	425.00
1201/2201	1.16(h)	Independent claims in excess of three	220.00	110.00
1202/2202	1.16(i)	Claims in excess of 20	52.00	26.00
1203/2203	1.16(j)	Multiple dependent claim	390.00	195.00
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00	65.00
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	270.00	135.00
1012/2012	1.16(b)(1)	Basic filing fee - Design ***filed on or after December 8, 2004***	220.00	110.00
1002/2002	1.16(b)(2)	Basic filing fee - Design ***filed before December 8, 2004***	380.00	190.00
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) ***filed on or after December 8, 2004***	220.00	110.00
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) ***filed before December 8, 2004***	380.00	190.00
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	270.00	135.00
1013/2013	1.16(c)(1)	Basic filing fee - Plant ***filed on or after December 8, 2004***	220.00	110.00
1003/2003	1.16(c)(2)	Basic filing fee - Plant ***filed before December 8, 2004***	600.00	300.00
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	270.00	135.00
1014/2014	1.16(e)(1)	Basic filing fee - Reissue ***filed on or after December 8, 2004***	330.00	165.00
1004/2004	1.16(e)(2)	Basic filing fee - Reissue ***filed before December 8, 2004***	850.00	425.00
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) ***filed on or after December 8, 2004***	330.00	165.00
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) ***filed before December 8, 2004***	850.00	425.00
1204/2204	1.16(h)	Reissue independent claims in excess of three	220.00	110.00
1205/2205	1.16(i)	Reissue claims in excess of 20	52.00	26.00
1084/2084	1.16(s)	Reissue Application Size Fee – for each additional 50 sheets	270.00	135.00
1005/2005	1.16(d)	Provisional application filing fee	220.00	110.00
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	270.00	135.00
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00	25.00
1053	1.17(i)	Non-English specification	130.00	
Patent Search Fees				
1111/2111	1.16(k)	Utility Search Fee	540.00	270.00
1112/2112	1.16(l)	Design Search Fee	100.00	50.00
1113/2113	1.16(m)	Plant Search Fee	330.00	165.00
1114/2114	1.16(n)	Reissue Search Fee	540.00	270.00
Patent Examination Fees				
1311/2311	1.16(o)	Utility Examination Fee	220.00	110.00
1312/2312	1.16(p)	Design Examination Fee	140.00	70.00
1313/2313	1.16(q)	Plant Examination Fee	170.00	85.00
1314/2314	1.16(r)	Reissue Examination Fee	650.00	325.00
Patent Post-Allowance Fees				
1501/2501	1.18(a)	Utility issue fee	1,510.00	755.00
1502/2502	1.18(b)	Design issue fee	860.00	430.00
1503/2503	1.18(c)	Plant issue fee	1,190.00	595.00
1511/2511	1.18(a)	Reissue issue fee	1,510.00	755.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	
1505	1.18(d)	Publication fee for republication	300.00	

† The 4000 series fee code may be used via EFS-Web at *www.uspto.gov/ebc/efs/.*

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Maintenance Fees				
1551/2551	1.20(e)	Due at 3.5 years	980.00	490.00
1552/2552	1.20(f)	Due at 7.5 years	2,480.00	1,240.00
1553/2553	1.20(g)	Due at 11.5 years	4,110.00	2,055.00
	1.20(h)	Surcharge - Late payment within 6 months	130.00	65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable	700.00	
1558	1.20(i)(2)	Surcharge after expiration - Late payment is unintentional	1,640.00	
Miscellaneous Patent Fees				
1801/2801	1.17(e)	Request for Continued Examination (RCE) (see 37 CFR 1.114)	810.00	405.00
1808	1.17(i)	Processing fee, except in provisional applications	130.00	
1803	1.17(i)	Request for voluntary publication or republication	130.00	
1802	1.17(k)	Request for expedited examination of a design application	900.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action	920.00*	
1805	1.17(o)	Request for publication of SIR - After examiner's action	1,840.00*	
1806	1.17(p)	Submission of an Information Disclosure Statement	180.00	
1807	1.17(q)	Processing fee for provisional applications	50.00	
1809/2809	1.17(r)	Filing a submission after final rejection (see 37 CFR 1.129(a))	810.00	405.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b))	810.00	405.00
Post Issuance Fees				
1811	1.20(a)	Certificate of correction	100.00	
1812	1.20(c)(1)	Request for ex parte reexamination	2,520.00	
1813	1.20(c)(2)	Request for inter partes reexamination	8,800.00	
1821/2821	1.20(c)(3)	Reexamination independent claims in excess of three	220.00	110.00
1822/2822	1.20(c)(4)	Reexamination claims in excess of 20	52.00	26.00
1814/2814	1.20(d)	Statutory disclaimer	140.00	70.00
Patent Extensions of Time Fees				
1251/2251	1.17(a)(1)	Extension for response within first month	130.00	65.00
1252/2252	1.17(a)(2)	Extension for response within second month	490.00	245.00
1253/2253	1.17(a)(3)	Extension for response within third month	1,110.00	555.00
1254/2254	1.17(a)(4)	Extension for response within fourth month	1,730.00	865.00
1255/2255	1.17(a)(5)	Extension for response within fifth month	2,350.00	1,175.00
Patent Appeals/Interference Fees				
1401/2401	41.20(b)(1)	Notice of appeal	540.00	270.00
1402/2402	41.20(b)(2)	Filing a brief in support of an appeal	540.00	270.00
1403/2403	41.20(b)(3)	Request for oral hearing	1,080.00	540.00
Patent Petition Fees				
1462	1.17(f)	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400.00	
1463	1.17(g)	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200.00	
1464	1.17(h)	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	130.00	
1451	1.17(j)	Petition to institute a public use proceeding	1,510.00	
1452/2452	1.17(l)	Petition to revive unavoidably abandoned application	540.00	270.00
1453/2453	1.17(m)	Petition to revive unintentionally abandoned application	1,620.00	810.00
1454	1.17(t)	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,410.00	
1455	1.18(e)	Filing an application for patent term adjustment	200.00	
1456	1.18(f)	Request for reinstatement of reduced term	400.00	
1457	1.20(j)(1)	Extension of term patent	1,120.00	
1458	1.20(j)(2)	Initial application for interim extension (see 37 CFR 1.790)	420.00	
1459	1.20(j)(3)	Subsequent application for interim extension (see 37 CFR 1.790)	220.00	

* Reduced by basic filing fee paid.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
PCT Fees - National Stage				
1631/2631	1.492(a)	Basic National Stage Fee	330.00	165.00
1641/2641	1.492(b)(2)	National Stage Search Fee - U.S. was the ISA	100.00	50.00
1642/2642	1.492(b)(3)	National Stage Search Fee - search report prepared and provided to USPTO	430.00	215.00
1632/2632	1.492(b)(4)	National Stage Search Fee - all other situations	540.00	270.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	220.00	110.00
1614/2614	1.492(d)	Claims - extra independent (over three)	220.00	110.00
1615/2615	1.492(e)	Claims - extra total (over 20)	52.00	26.00
1616/2616	1.492(f)	Claims - multiple dependent	390.00	195.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	270.00	135.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.00	65.00
1618	1.492(i)	English translation after 30 months from priority date	130.00	
PCT Fees - International Stage				
1601	1.445(a)(1)	Transmittal fee	300.00	
1602	1.445(a)(2)	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	1,800.00	
1604	1.445(a)(3)	Supplemental search fee when required, per additional invention	1,800.00	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.00	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.00	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.00	
1619		Late payment fee	VARIABLE	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.00	
PCT Fees to Foreign Offices *				
1701		International filing fee (first 30 pages) – filed in paper w/ PCT Easy zip file or electronically w/o PCT Easy zip file	1,237.00	
1702		International filing fee (first 30 pages)	1,338.00	
1703		Supplemental international filing fee (for each page over 30)	15.00	
1704		International search (EPO)	2,665.00	
1705		Handling fee	171.00	
1706		Handling fee – 90% reduction, if applicant(s) meets criteria specified at: *www.wipo.int/pct/en/fees/fee_reduction.pdf*	17.10	
1708		International CD applications	6,000.00	
1709		International search (KIPO)	244.00	
1710		International filing fee (first 30 pages) – filed electronically w/ PCT Easy zip file	1,137.00	
Patent Enrollment Fees				
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.00	
9003	1.21(a)(2)	Registration to practice or grant limited recognition under §11.9(b) or (c)	100.00	
9004	1.21(a)(3)	Reinstatement to practice	40.00	
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.00	
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.00	
9010	1.21(a)(1)(ii)(A)	For test administration by commercial entity	200.00	
9011	1.21(a)(1)(ii)(B)	For test administration by the USPTO.	450.00	
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.00	
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.00	
9014	1.21(a)(10)	Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h)	1,600.00	
9024	1.21(k)	Unspecified other services, excluding labor	AT COST	

* PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the *Official Gazette of the United States Patent and Trademark Office* for current amounts.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Patent Service Fees			
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00
8003	1.19(a)(2)	Printed copy of plant patent in color	15.00
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00
8005	1.19(a)(1)	Patent Application Publication (PAP)	3.00
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed	20.00
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	200.00
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00
8010	1.19(b)(1)(i)(D)	Certification of patent-related file wrapper and (paper) contents	25.00
8011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)	55.00
8012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	15.00
8041	1.19(b)(2)(i)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order	55.00
8042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A)	15.00
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium	55.00
8013	1.19(b)(3)	Copy of office records, except copies of applications as filed	25.00
8014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	25.00
8904	1.19(c)	Library service	50.00
8015	1.19(d)	List of U.S. patents and SIRs in subclass	3.00
8016	1.19(e)	Uncertified statement re status of maintenance fee payments	10.00
8017	1.19(f)	Copy of non-U.S. document	25.00
8050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits	AT COST
8019	1.21(d)	Local delivery box rental, annually	50.00
8020	1.21(e)	International type search report	40.00
8902	1.21(g)	Self-service copy charge, per page	0.25
8021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	40.00
8022	1.21(i)	Publication in *Official Gazette*	25.00
8023	1.21(j)	Labor charges for services, per hour or fraction thereof	40.00
8024	1.21(k)	Unspecified other services, excluding labor	AT COST
8025	1.21(l)	Retaining abandoned application	130.00
8026	1.21(n)	Handling fee for incomplete or improper application	130.00
8027	1.296	Handling fee for withdrawal of SIR	130.00

GENERAL FEES

Finance Service Fees			
9201	1.21(b)(1) or 2.6(b)(13)(i)	Establish deposit account	10.00
9202	1.21(b)(2) or 2.6(b)(13)(ii)	Service charge for below minimum balance	25.00
9202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account	25.00
9101	1.21(m) or 2.6(b)(12)	Processing each payment refused or charged back	50.00
Computer Service Fees			
8031/8531		Computer records	AT COST

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

Fee Code	37 CFR	Description	Fee
Trademark Processing Fees *			
6001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	325.00
7007	2.6(a)(1)(iii)	Application for registration, per international class (electronic filing, TEAS Plus)	275.00
6002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	100.00
6003/7003	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	100.00
6004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
6005/7005	2.6(a)(15)	Petitions to the Director	100.00
6006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.00
6008/7008	2.6(a)(1)(iv)	Additional fee for application that doesn't meet TEAS Plus filing requirements, per class	50.00
6201/7201	2.6(a)(5)	Application for renewal, per class	400.00
6203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.00
6204	2.6(a)(21)	Correcting a deficiency in a renewal application	100.00
6205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	100.00
6206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.00
6207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.00
6208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.00
6210	2.6(a)(7)	Publication of mark under § 12(c), per class	100.00
6211	2.6(a)(8)	Issuing new certificate of registration	100.00
6212/7212	2.6(a)(9)	Certificate of correction, registrant's error	100.00
6213	2.6(a)(10)	Filing disclaimer to registration	100.00
6214	2.6(a)(11)	Filing amendment to registration	100.00
6401/7401	2.6(a)(16)	Petition for cancellation, per class	300.00
6402/7402	2.6(a)(17)	Notice of opposition, per class	300.00
6403/7403	2.6(a)(18)	Ex parte appeal, per class	100.00
Trademark Madrid Protocol Fees *			
6901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.00
6902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.00
6903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
6904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.00
6905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.00
6906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
6907/7907	7.6(a)(7)	Transmitting a subsequent designation	100.00
Trademark Service Fees			
8501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
8503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.00
8504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.00
8507	2.6(b)(2)	Certified copy of trademark application as filed	15.00
8508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
8513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.00
8514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.00
8902	2.6(b)(9)	Self-service copy charge, per page	0.25
8521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40.00
8522	2.6(b)(6)	For second and subsequent marks in the same document	25.00
8523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40.00
8524	2.6(b)(11)	Unspecified other services, excluding labor	AT COST
Fastener Quality Act Fees			
6991	2.7(a)	Recordal application fee	20.00
6992	2.7(b)	Renewal application fee	20.00
6993	2.7(c)	Late fee for renewal application	20.00
6994	2.7(a)	Application fee for reactivation of insignia, per request	20.00

* The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at *www.uspto.gov/teas/*.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

PTO/SB/64 (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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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www.uspto.gov

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

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of :
FEINSTEIN et al. :
Application No. 61/010,040 : ON PETITION
Filed: January 4, 2008 :
Attorney Docket No. 77602-PRO5/JPW/CO :

This is a decision on the "COMMUNICATION IN RESPONSE TO FEBRUARY 21, 2008 NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed March 28, 2008, which is being treated as a petition under 37 CFR 1.53(e), requesting that the above-identified application be accorded a filing date of January 4, 2008.

On January 4, 2008, applicants deposited the above-identified application. On February 21, 2008, the Office sent applicants a "Notice of Incomplete Provisional Application," indicating, *inter alia*, that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted items.

On March 28, 2008, applicants submitted, *inter alia*, the present petition, 18 drawing sheets, and a return date-stamped postcard receipt. The postcard acknowledged receipt of "Figures (18 pages)" in the United States Patent and Trademark Office (USPTO) on January 4, 2008.

Upon review of the record, the 18 sheets of drawings, deposited on January 4, 2008, have not been located among the application papers. Nevertheless, the evidence is convincing that the application papers deposited on January 4, 2008, included 18 drawing sheets, which were subsequently misplaced in the USPTO. Therefore, the application including the 18 drawing sheets, was complete on filing and will be granted a filing date of January 4, 2008.

Accordingly, the petition is **granted**. The Notice of Incomplete Provisional Application was sent in error and is hereby withdrawn. The $400.00 petition fee is unnecessary and will be refunded to the Deposit Account.

This application is being referred to the Office of Patent Application Processing for processing of the **above-identified application with a filing date of January 4, 2008**, using the 18 sheets of drawings submitted with the present petition on March 28, 2008.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BRIAN F SWIENTON
NEWPORT CORPORATION
1791 DEERE AVENUE
IRVINE CA 92606

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FEB 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Jamie Knapp	:	DECISION
Application No. 61/010,530	:	ON PETITION
Filed: January 8, 2008	:	
Attorney Docket No. 0089-100FKL-08P	:	

This is a decision on the "REQUEST FOR CORRECTION OF FILING RECEIPT", filed February 27, 2008, which is being treated as a petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of January 7, 2008, not January 8, 2008.[1]

The petition under 37 CFR 1.10 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". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

Correspondence is considered filed with the US Patent and Trademark Office on the date it is received. However, if a person mails correspondence via US Postal Service Express Mail, that correspondence will be considered filed with the PTO on the date it is deposited with the US Postal Service, provided the Express Mail mailing label was placed on the paper(s) that constitute the correspondence prior to the original mailing by Express Mail.

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[1] The petition mistakenly referenced application No. 60/010,530.

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** (emphasis added).

Petitioner argues that the application was filed with the Office on January 7, 2008. However, petitioner has not supplied the Office with a copy of the Express Mail mailing label. Accordingly, the petition must be dismissed.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN VANDEN BOSCHE
6571 LUNDE ROAD
EVERSON WA 98247

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JAN 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Dawson et al.	:	
Application No. 61/011,771	:	DECISION ON PETITION
Filed: January 17, 2008	:	
Title: Tower Topper	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2008, to revive the above-identified application.
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed February 6, 2008. 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 April 7, 2008. A Notice of Abandonment was mailed October 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Statutory basic filing fee of $110.00 and a Late submission of filing fee surcharge fee of $25.00; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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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OFFICE OF PETITIONS

RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON OH 44308

In re Application of :
Scott T. Proper, et al. :
Application No. 61/011,809 : NOTICE
Filed: January 22, 2008 :
Attorney Docket No. GOJ.P.184 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Irvin Dingle
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 2 8 2008

OFFICE OF PETITIONS

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

In re Application of :
Jones, et al. :
Filed: January 23, 2008 : ON PETITION
Application No. 61/011,927 :
Atty. Dkt. No.: 108466-3 :

This decision is in response to the "PETITION TO ALLOW FILING OF MISSING PAGE OF SPECIFICATION AND TO AFFORD ORIGINAL FILING DATE," filed March 26, 2008. This matter is being treated as a petition to accord the above-identified application a filing date of January 23, 2008 with page 9 of the specification as part of the originally filed application.

The application was filed January 23, 2008. This decision precedes Notice to File Omitted Items. Petitioners indicate that page 9 of the specification does not appear in the official application as filed. Petitioners assert that page 9 of the specification was included with the application papers filed and have presented as proof of mailing and proof of receipt of page 9 of the specification a return postcard date stamped by the Office on January 23, 2008. A copy of the complete 10 pages of specification, including page 9, was submitted herewith. The postcard acknowledges receipt of 10 pages of specification.

The original of page 9 of the specification has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of January 23, 2008 is GRANTED.

Since the original of page 9 of the specification cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. A refund will issue in due course.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of

January 23, 2008 with page 9 of the specification as part of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Ronald B. Moss et al	:	
Application No. 61/012,153	:	DECISION ON PETITION
Filed: December 7, 2007	:	
Attorney Docket No. 026482-002500US	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 27, 2008, to correct the spelling of the name of the second inventor "Mark K. Wloch" to – Mary K. Wloch --.

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.

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

Irvin Dingle
Petition 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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/012,153	12/07/2007		105	026482-002500US		

CONFIRMATION NO. 1182

CORRECTED FILING RECEIPT

66950
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
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Date Mailed: 06/20/2008

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)

Ronald B. Moss, San Diego, CA;
Mary K. Wloch, San Diego, CA;
Alain Rolland, San Diego, CA;

Power of Attorney:
Karen Dow--29684
Edward Robinson--43049

If Required, Foreign Filing License Granted: 12/31/2007
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/012,153**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
**** SMALL ENTITY ****
Title

Compositions And Methods For Vaccinating Against CMV

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same

effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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San Francisco, CA 94111

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OFFICE OF PETITIONS

In re Application of :

Ronald B. Moss et al. :
Application No. 61/012,153 : DECISION ON PETITION
Filed: December 7, 2007 : TO WITHDRAW
Attorney Docket No. 026482-002500US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 16, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Ronald B. Moss does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Raymond E. Roberts
10788 Civic Center Drive, Suite 215
Rancho Cucamonga, CA 91730

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OFFICE OF PETITIONS

In re Application of	:	
Cox, Clay	:	
Application No. 61/012,385	:	ON PETITION
Filed: December 7, 2007	:	
Attorney Docket No. P-131684.2 (PRO)	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 14, 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 a Provisional Cover Sheet and the 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 December 7, 2008, when it will become abandoned as a matter of law.

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 further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Barry Trimmer :
Application No. 61/013,801 : DECISION ON PETITION
Filed: December 14, 2007 :
Attorney Docket No. 2002458-0018 :

This is a decision on the request filed January 4, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner states that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $210, submitted on December 14, 2007, has been credited to petitioner's credit card as requested.

This matter is being referred to the Office of Data Management for treatment of the express abandonment filed January 4, 2008.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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YEE & ASSOCIATES, P.C.
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OFFICE OF PETITIONS

In re Application of :
Black, et al :
Filed: December 17, 2007 : ON PETITION
Application No. 61/014,321 :
Dkt. No.: 114.0015 :

This is a decision on the "PETITION UNDER 37 CFR 1.53(E)(2)," filed March 10, 2008 to accord the above-identified application a filing date of December 17, 2007.

The petition is **DISMISSED**.

The application was submitted December 17, 2007 without drawings. The Notice of Incomplete Provisional Application (Notice) was mailed February 4, 2008. The Notice indicated the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

Petitioners argue that drawings are not necessary for an understanding of the invention. Petitioners have provided a copy of five drawing sheets.

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

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

drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application includes at least one method claim. As it is USPTO practice to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary, the application, as submitted, is entitled to a filing date of December 17, 2007. Thus, the instant petition is unnecessary as the instant application is otherwise entitled to a filing date under 37 CFR 1.53(c). Accordingly, the Notice is withdrawn.

The application will be processed with only the papers present on December 17, 2007, without drawings as part of the original disclosure.

No fee is due in connection with this matter. A refund of $400.00 will issue in due course.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of December 17, 2007 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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OFFICE OF PETITIONS

In re Application of	:	
Golding et al.	:	
Application No. 61/014587	:	
Filing or 371(c) Date: 12/18/2007	:	
Attorney Docket Number:	:	DECISION
E23620071US01	:	ON PETITION

This is a decision on the "Petition in Response to Notice of Incomplete Provisional Application," filed February 14, 2008, requesting the above-identified application be accorded a filing date of December 18, 2007.

The petition is granted.

Background

The application was filed on December 18, 2007. On February 6, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

The present petition

Applicant responds with the instant petition and avers that the application does not require drawings.

Analysis and conclusion

The application complies with the patent statute and regulations based upon applicant's assertion that the figures are not necessary for an understanding of the invention.

Moreover, a review of the file reveals that the specification contains composition claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

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

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

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

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

This application is being referred to the Office of Patent Application Processing, Customer Corrections, for further processing, with the filing date of December 18, 2007, and an indication that no drawings were present or required on filing.

A refund of the petition fee has been credited to deposit account 14-1052 as authorized in the present 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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OFFICE OF PETITIONS

In re Application of	:	
Kitazoe et al.	:	DECISION ON
Application No. 61/015,159	:	PETITION
Filed: December 19, 2007	:	
Attorney Docket No. 080449P1	:	

This is in response to the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION" filed February 29, 2008, requesting that the above-identified provisional application be accorded a filing date of December 19, 2007, with Figure(s) 3 and 4 considered part of the original application disclosure.

Application papers in the above-identified provisional application were deposited on December 19, 2007. However, on February 8, 2008, the Office sent a NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION, notifying applicants that the application papers had been accorded a filing date; however, Figures 3 and 4 described in the specification appeared to have been omitted from the application.

Petitioners timely responded with the instant petition (and petition fee). Petitioners contend that the provisional application does not omit any figures, and in fact, as filed, contains Figures 3 and 4 in Appendix A, which is part of the application.

A reveal of the application as filed reveals that it included Appendix A, and that Appendix A, included Figures 3 and 4. Thus, it is concluded that the drawings were present in the provisional application upon filing. However, this was separate from drawing figures 1 and 2 which were set forth appropriately on a drawing sheet, consistent with the brief description of the drawings. Whereas, figures 3 and 4 were intertwined in the text of the appendix thus, obscuring their identification as figures

3 and 4. The presence of figures 3 and 4 in the appendix led the Office to properly issue a Notice of Omitted Item(s). The figures did appear to be omitted.

Accordingly, the petition is **GRANTED**.

This petition was not necessitated by Office error but by the manner in which applicants presented figures 3 and 4 to the Office. Thus, the request to refund the fee is denied.

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

- further processing with a filing date of December 19, 2007, using the application papers received in the Office and presently accorded that date; and

- correction of Office records, as appropriate, to indicate that figures 3 and 4 were present in the application on filing, albeit in the appendix.

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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OFFICE OF PETITIONS

In re Application of	:	
James P. Allison et al.	:	DECISION ON PETITION
Application No. 61/015,172	:	PURSUANT TO
Filed: December 19, 2007	:	37 C.F.R. § 1.182
Attorney Docket No. 188944/US/2	:	
Title: TUMOR-SPECIFIC ANTIGENS,	:	
CYTOTOXIC T LYMPHOCYTES RESPONSIVE	:	
THERETO, AND METHODS OF USING THE	:	
SAME	:	

This is a decision on the "PETITION" filed April 14, 2008, requesting that this application be accorded a filing date of December 19, 2007. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

Application papers in the above-identified application were deposited on December 19, 2007. However, on February 13, 2008, the Office of Initial Patent Examination Division mailed Applicant a "Notice of Incomplete Provisional Application" (notice), notifying Applicant that the application papers had not been accorded a filing date because the application had been deposited without drawings, and that a filing date would be accorded upon the deposit of the same.

In response, Applicant timely filed this petition. Petitioner's arguments and evidence have been considered, and it is clear that this application contained at least one method claim on initial deposit. Section 601.01(f) of the MPEP provides:

> 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).

Thus, pursuant to 37 C.F.R. § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Provisional Application.

Given the basis for granting this petition, no petition fee is required. Consequently, the petition fee will be refunded to Petitioner's Deposit Account in due course.

To the extent the present petition requests a filing date of December 19, 2007 with no drawings present in the application, the petition is **GRANTED**. The notice of February 13, 2008 is hereby **VACATED**.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to December 19, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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 record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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600 PEACHTREE STREET , NE
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OFFICE OF PETITIONS

In re Application of :
Jeffrey Skolnick et al. : DECISION ON PETITION
Application No. 61/015,271 : PURSUANT TO
Filed: December 20, 2007 : 37 C.F.R. § 1.182
Attorney Docket No. GTRC 4383-PR-07 :
Title: EDUCING LIGAND-BINDING :
INFORMATION FROM PROTEIN THREADING :

This is a decision on the "PETITION TO ACCORD FILING DATE UNDER 37 C.F.R. § 1.53(e)" filed February 19, 2008, requesting that this application be accorded a filing date of December 20, 2007. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

Application papers in the above-identified application were deposited on December 20, 2007. However, on January 4, 2008, the Office of Initial Patent Examination Division mailed Applicant a "Notice of Incomplete Provisional Application" (notice), notifying Applicant that the application papers had not been accorded a filing date because the application had been deposited without drawings, and that a filing date would be accorded upon the deposit of the same.

In response, Applicant timely filed this petition. Petitioner's arguments and evidence have been considered. However, it is clear that this application contained at least one method claim on initial deposit. Section 601.01(f) of the MPEP provides:

> 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).

Thus, pursuant to 37 C.F.R. § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Provisional Application.

Given the basis for granting this petition, no petition fee is required. Consequently, the petition fee will be refunded to Petitioner's Deposit Account in due course.

To the extent the present petition requests a filing date of December 20, 2007 with no drawings present in the application, the petition is **GRANTED**. The notice of January 4, 2008 is hereby **VACATED**.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to December 20, 2007**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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