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JONES DAY
222 EAST 41ST STREET
NEW YORK NY 10017-6702

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of :
Milan BRUNCKO et al. :
Application No. 11/600,445 : DECISION ON PETITION
Filed: November 16, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 7176USP4 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 28, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation

by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

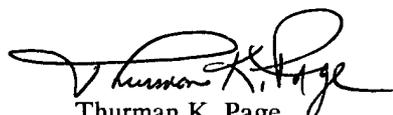
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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 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 Michelle R. Eason at (571) 272-4231.


Thurman K. Page
Petitioners Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Bruncko <i>et al.</i>	Confirmation No.:	4338
Application No.:	11/600,445	Art Unit:	1625
Filed:	November 16, 2006	Examiner:	DAVIS, Zinna Northington
For:	APOPTOSIS PROMOTERS	Attorney Docket No.:	7176USP4

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR
PRIORITY UNDER 37 C.F.R. § 1.78(a)(3)**

Mail Stop Petition

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

Sir:

In accordance with 37 C.F.R. § 1.78(a)(3), Applicants respectfully request acceptance of an unintentionally delayed claim of priority to prior filed U.S. Application Nos. 11/491,851 and 10/988,338.

The Utility Patent Application Transmittal cover sheet submitted November 16, 2006, for the above-identified application stated that the instant application was a continuation-in-part of application no. 11/491,851, which application in turn contained a claim of priority to a line of nonprovisional applications beginning with U.S. Application No. 10/988,338. The specification for the above-identified application, however, was not amended to contain a statement claiming priority to these two prior-filed provisional applications. Applicants recognized this error while preparing a response to the Office Action issued January 29, 2010. An amendment to the specification to add a reference to the two aforementioned nonprovisional applications is included with Applicants' Amendment and Response Under 37 C.F.R. § 1.111 filed herewith in response to the Office Action.

Applicants state that the entire delay between the date the claim of benefit was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim of benefit was filed was unintentional.

Applicants hereby petition to accept the unintentionally delayed claim for priority. If priority is corrected, Applicants respectfully request that the specification of the above-

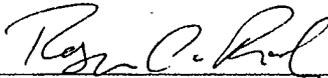
Petition Under 37 C.F.R. § 1.78(a)(3)
Application No. 11/600,445

identified application be amended to reflect the benefit claim as provided in the accompanying Amendment and Response Under 37 C.F.R. § 1.111.

Applicants believe the fee for this Petition is \$1410.00 and request that the fee be charged to Jones Day Deposit Account No. 50-3013 (order no. 080024-999004). The Commissioner is authorized to charge the petition fee, and any other required fees, or credit any overpayment to Jones Day Deposit Account No. 50-3013 (order no. 080024-999004).

Respectfully submitted,

Date: May 28, 2010



Roger C. Rich
For: Rahul Pathak, Reg. No. 42,983

54,398
(Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939

AMENDMENTS TO THE SPECIFICATION

Please amend the first paragraph on page 1 following the title to read as follows:

This application is a continuation-in-part of United States Patent Application No. 11/491,851, filed July 24, 2006, which is a continuation-in-part of United States Patent Application No. 11/202,827, filed August 12, 2005, now U.S. Patent No. 7,642,260, which is a continuation-in-part of United States Patent Application No. 11/127,940, filed May 12, 2005, which is a continuation-in-part of United States Patent Application No. 10/988,338, filed November 12, 2004, now abandoned, which claims priority to United States Provisional Application 60/519,695, filed November 13, 2003, the specifications of which are hereby incorporated by reference into this application.

Please amend the paragraph beginning on line 7 on page 2 to read as follows:

FIG. 7 ~~[[6]]~~ shows duration of action of EXAMPLE 2 (ABT-737) during treatment in an autoimmune antiinflammation model.



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NEW YORK NY 10017-6702

MAILED
NOV 23 2010
OFFICE OF PETITIONS

In re Application of :
Milan BRUNCKO et al. :
Application No. 11/600,445 :
Filed: November 16, 2006 : **DECISION ON PETITION**
Attorney Docket No. 7176USP4 : **UNDER 37 CFR 1.78(a)(3)**

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed November 01, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior

application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121.

§ 1.121 (b) *Specification*. Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) *Amendment to delete, replace, or add a paragraph*. Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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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 K. Page/
Thurman K. Page
Petitioners Examiner
Office of Petitions



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NEW YORK NY 10017-6702

MAILED
FEB 15 2011
OFFICE OF PETITIONS

In re Application of :
Milan BRUNCKO et al. :
Application No. 11/600,445 : DECISION ON PETITION
Filed: November 16, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 7176USP4 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 04, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1625 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

/Thurman K. Page/
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/600,445, 11/16/2006, 1625, 3750, 7176USP4, 9, 3

CONFIRMATION NO. 4338

CORRECTED FILING RECEIPT

92679
Jones Day
222 East 41st Street
New York, NY 10017-6702



Date Mailed: 02/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

- Milan Bruncko, Green Oaks, IL;
Hong Ding, Gurnee, IL;
Steven Elmore, Northbrook, IL;
Aaron Kunzer, Schaumburg, IL;
Christopher L. Lynch, Trevor, WI;
William McClellan, Waukegan, IL;
Cheol-Min Park, Gurnee, IL;
Andrew Petros, Mundelein, IL;
Xiaohong Song, Grayslake, IL;
Xilu Wang, Grayslake, IL;
Noah Tu, Gurnee, IL;
Michael Wendt, Vernon Hills, IL;
Alexander Shoemaker, Green Oaks, IL;
Michael Mitten, Beach Park, IL;

Power of Attorney: The patent practitioners associated with Customer Number 23492

Domestic Priority data as claimed by applicant

This application is a CIP of 11/491,851 07/24/2006
which is a CIP of 11/202,827 08/12/2005 PAT 7,642,260
which is a CIP of 11/127,940 05/12/2005 PAT 7,767,684
which is a CIP of 10/988,338 11/12/2004 ABN
which claims benefit of 60/519,695 11/13/2003

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 12/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/600,445**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Apoptosis promoters

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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RICHARD B. KLAR
145 WILLIS AVENUE
SUITE NO. 6
MINEOLA NY 11501

MAILED
AUG 27 2010
OFFICE OF PETITIONS

In re Application of :
Walker GUERRIER :
Application No. 11/600,516 : **DECISION ON PETITION**
Filed: November 16, 2006 :
Attorney Docket No. 415RK01 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 22, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed February 22, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and publication fee of \$300; (2) the petition fee of \$810; and (3) and the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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SUGAR LAND TX 77478

MAILED

OCT 22 2010

In re Application of
Ashley Johnson et al.
Application No. 11/600,575
Filed: November 16, 2006
Attorney Docket No. 92.1149

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed September 24, 2010 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

In response to a non-Final Office Action mailed October 30, 2008 an amendment was filed on January 30, 2009. However, in response thereof, a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed February 23, 2009 which set a one month period for reply. No reply or extensions of time having been requested, this application became abandoned March 26, 2009. Accordingly, a Notice of Abandonment was mailed September 18, 2009.

All other requirements having been met, this matter is being referred to Technology Center 3672 for appropriate action on the amendment filed September 24, 2010.

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

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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



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Decision Date : April 12,2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

John Opie

ATTORNEY/AGENT OF RECORD

Application No : 11600597

Filed: 14-Nov-2006

Attorney Docket No : 11637.015

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed April 12,2011

The request is **APPROVED**

The request was signed by Rodney J. Fuller (registration no. 46714) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name Phil Mitchell
Name2 Scottsdale Medical Devices
Address 1 7300 E. Acoma Drive
Address 2
City Scottsdale
State AZ
Postal Code 85260
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11600597	
Filing Date	14-Nov-2006	
First Named Inventor	John Opie	
Art Unit	3761	
Examiner Name	ILYA TREYGER	
Attorney Docket Number	11637.015	
Title	Fluid evacuator system	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(v) 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Phil Mitchell Scottsdale Medical Devices	
Address	7300 E. Acoma Drive	
City	Scottsdale	
State	AZ	
Postal Code	85260	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Rodney J. Fuller/
Name	Rodney J. Fuller
Registration Number	46714



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3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX AZ 85012

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APR 11 2011

In re Application of
OPIE, John C. et al.
Application No. 11/600,597
Filed: June 30, 2006
Attorney Docket No. 11637.015

OFFICE OF PETITIONS

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 March 03, 2011.

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.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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: PHIL MITCHELL
SCOTTSDALE MEDICAL DEVICES
7300 E. ACOMA DRIVE
SCOTTSDALE AZ 85260



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

**MAILED
SEP 21 2011
OFFICE OF PETITIONS**

In re Patent No. 7,335,162 :
Issue Date: February 26, 2008 :
Application No. 11/600,718 :
Filed: November 17, 2006 :
Attorney Docket No. 1617-0103PUS3 :

NOTICE

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

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

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

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: PAUL C. LEWIS
BIRCH, STEWART, KOLASCH
& BIRCH, LLP
8110 GATEHOUSE ROAD,
SUITE 100 EAST, P.O. BOX 747
FALLS CHURCH VA 22040-0747



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FAEGRE & BENSON LLP
PATENT DOCKETING-INTELLECTUAL PROPERTY (32469)
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
Avram Scheiner et al :
Application No. 11/600,807 :
Filed: November 16, 2006 :
Attorney Docket No. 32469-379304 :

DECISION ON PETITION
TO WITHDRAW
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 November 29, 2010:

The request is **NOT APPROVED**.

A review of the file record indicates that Peter C. Maki 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 Irvin Dingle at 571-272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc:

Peter C. Maki
1600 TCF Tower
121 South 8th Street
Minneapolis, MN 55402



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FUJITSU MANAGEMENT SERVICES OF AMERICA, INC.
2318 MILL ROAD, SUITE 1010
ALEXANDRIA VA 22314**

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of :
Moritoshi Ando et al :
Application No. 11/600,815 : **DECISION ON PETITION**
Filed: November 17, 2006 :
Attorney Docket No. 06-51448 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2010, 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 issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 17, 2010, 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 Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

MAILED
SEP 14 2011
OFFICE OF PETITIONS

In re Application of :
Mitsuru Tada, et al. :
Application No. 11/600,885 : **DECISION GRANTING PETITION**
Filed: November 17, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. SON-3659 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 13, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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MUNCY, GEISLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Jian-Lin ZHOU :
Application No. 11/600,924 : **DECISION ON PETITION**
Filed: November 17, 2006 :
Attorney Docket No. **BHT/3126-636** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 15, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 13, 2008. Accordingly, the date of abandonment of this application is September 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee and Publication Fee are 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.

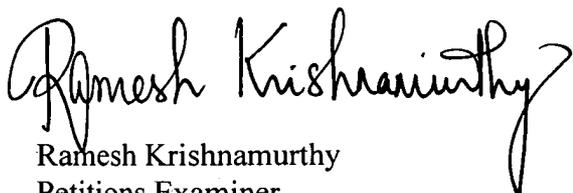
Application No. 11/600,924

Page 2

The power of attorney filed with the petition is accepted and has been made of record.

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

This application is being referred to the Office Of Data Management for processing into a patent.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, prominent initial 'R'.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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MAILED

OCT 18 2010

OFFICE OF PETITIONS

**ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC
231 SOMERVILLE ROAD
BEDMINSTER, NJ 07921**

In re Application of :
Marni Markell HURWITZ :
Application No. 11/601,353 : **DECISION ON PETITION**
Filed: November 17, 2006 :
Attorney Docket No. 0200-15 :

This is a decision on the renewed petition filed August 23, 2010, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed February 27, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The Examiner assigned to this application has approved the replacement drawings and/or amendment filed with the petition on August 23, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DG/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of Sean M McCollough :
Application No. 11/601,357 : On Application For
Filing Date: November 17, 2006 : Patent Term Adjustment
Attorney Docket No. VIGN1250-2 :

This is in response to the "Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. § 1.705(b)" filed June 8, 2010. Applicant submits the correct patent term adjustment to be indicated on the patent is six hundred ninety-nine (699) days, not five hundred eighty-eight (588) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, an applicant may wait until the time of the issuance of the patent and file a request for reconsideration of the

patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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 For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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

**MAILED
SEP 28 2010
OFFICE OF PETITIONS**

In re Application of :
Harold Dan STIRLING et al. :
Application No. 11/601,381 : **DECISION ON PETITION**
Filed: November 17, 2006 :
Attorney Docket No. ATH.004A2 :

This is a decision on the petition under 37 CFR 1.182, filed May 19, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

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

This application is being referred to Technology Center AU 3714 for examination in due course.

Telephone inquiries regarding this decision should be directed to Michelle R. Eason at (571) 272- 4231.


Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/601,381, 11/17/2006, 3714, 565, ATH.004A2, 20, 3

CONFIRMATION NO. 4933

CORRECTED FILING RECEIPT



OC000000043633954

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

Date Mailed: 09/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Jay Allan Shears, Mission Viejo, CA;
Lee Norman Cusey, Laguna Niguel, CA;
Harold Dan Stirling, Mission Viejo, CA;

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

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/757,915 01/09/2006
and claims benefit of 60/765,382 02/03/2006
and claims benefit of 60/772,612 02/10/2006
and claims benefit of 60/781,612 03/10/2006
and claims benefit of 60/794,268 04/21/2006

Foreign Applications

If Required, Foreign Filing License Granted: 12/07/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/601,381

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Apparatus, systems, and methods for evaluating body movements

Preliminary Class

473

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



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Paper No.

JOHNSON & ASSOCIATES
317A E. LIBERTY STREET
SAVANNAH GA 31401

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
DeNise et al.	:	
Application No. 11/601,433	:	ON APPLICATION FOR
Filed: 11/17/2006	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
SCID-0143	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed on April 20, 2011, which is treated as a petition under 37 CFR 1.705(b). Applicant asserts that the correct patent term adjustment is 303 days rather than 29 days as indicated in the Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b) mailed with the notice of allowance. Applicant asserts entitlement to the additional patent term adjustment solely on the basis that the patent will issue more than 3 years after the filing date.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As

such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Mark A. VOELKER	:	
Application No. 11/601,434.	:	DECISION ON PETITION
Filed: November 17, 2006	:	UNDER 37 CFR 1.8(b)
Attorney Docket No. VLKR-001US1	:	

This is a decision on the petition, filed May 25, 2011, 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 Final Office action of November 19, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before February 19, 2010.

Petitioner states that a timely reply was electronically filed on May 19, 2011, which included the following papers: a Request for Continued Examination (RCE), amendment and request for three (3) month extension of time.

A review of the file record indicates that a RCE request, amendment and three month extension of time were in fact received in the Office on May 19, 2011. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of November 19, 2010 is hereby withdrawn and the application restored to pending status.

Inquires regarding the status of this application may be directed to the Technology Center Art Unit 1657 at (571) 272- 1600. Inquires regarding this decision may be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1657 for appropriate action in the normal course of business on the reply received May 19, 2011.


Thurman K. Page
Petitions Examiner
Office of Petitions



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

MAILED
SEP 30 2011
OFFICE OF PETITIONS
ON PETITION

In re Application of :
Diez et al. :
Application No 11/601,464 :
Filed: November 16, 2006 :
Attorney Docket No. 59296-8012.US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 23, 2011, to revive the above-identified application.

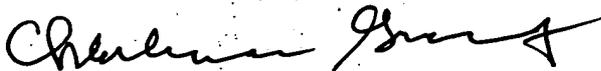
The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 14, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 15, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2192 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Charlema Grant
Petitions Attorney
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/601,495 11/17/2006 Noriaki Kitada 6639P229 6078

7590 09/15/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

DUNN, MISHAWN N

ART UNIT PAPER NUMBER

2621

MAIL DATE DELIVERY MODE

09/15/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Sarmes
Patent Publication Branch
Office of Data Management

Administrative stamps and markings at the bottom left.

Administrative stamps and markings at the bottom right, including date 09/15/2010.



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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED
OCT 12 2011
OFFICE OF PETITIONS

In re
Chowdhary, et al.
Application No. 11/601,559
Filed: November 17, 2006
Attorney Docket No. 273012011602

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed September 15, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$650, representing \$405 for the RCE and \$245 for the two month extension of time, is hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions



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K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of :
ELIAS LAZARIDES, ET AL. :
Application No. 11/601,595 :
Filed: November 17, 2006 :
Attorney Docket No. **3717383.00004** :

NOTICE

This is a notice regarding your request filed August 17, 2010, 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 patent 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) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110906

DATE : September 06, 2011

TO SPE OF : ART UNIT 1644

SUBJECT : Request for Certificate of Correction on Patent No.: 7807794

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

The changes to Table 17 will not be entered because of the possibility of new matter. For example, the proposed changes to the far right column (e.g. changing from 8 to 9) do not appear to be consistent with the information disclosed in Table 12 of the issued patent as asserted by applicants. It's not immediately clear how these are typographical errors.

/GARY NICKOL/
Supervisory Patent Examiner.Art Unit 1645

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110906

DATE : September 06, 2011

TO SPE OF : ART UNIT 1644

SUBJECT : Request for Certificate of Correction on Patent No.: 7807794

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

The changes to Table 17 will not be entered because of the possibility of new matter. For example, the proposed changes to the far right column (e.g. changing from 8 to 9) do not appear to be consistent with the information disclosed in Table 12 of the issued patent as asserted by applicants. It's not immediately clear how these are typographical errors.

/GARY NICKOL/
Supervisory Patent Examiner.Art Unit 1645



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FUJITSU PATENT CENTER
FUJITSU MANAGEMENT SERVICES OF AMERICA, INC.
2318 MILL ROAD, SUITE 1010
ALEXANDRIA, VA 22314

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of :
Junichi Sawada :
Application No.: 11/601,629 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No.: 06-50534 :

This is a decision on the petition, filed January 24, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on December 16, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*¹

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

The application is being referred to Technology Center AU 2112 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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AUG 05 2011

OFFICE OF PETITIONS

NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON, DC 20375-5320

In re Application of
Turan A. Kayagil, et al.
Application No. 11/601,654
Filed: November 20, 2006
Attorney Docket No.: 97,703-US1

:
:
:
:
:
:

ON PETITION

This is a decision on the petition, filed July 21, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to submit corrected formal drawings on or before June 14, 2011, as required by the Notice of Allowability mailed March 14, 2011. A Notice of Abandonment was mailed on June 27, 2011. In response, on July 21, 2011, 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 corrected formal drawings, (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to oversee the review of the drawing filed July 21, 2011 and for processing into a patent.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120411

DATE : April 11, 2012

TO SPE OF : ART UNIT 2872 - SPE Thomas Pham

SUBJECT : Request for Certificate of Correction on Patent No.: 7,388,705
Application No.: 11/601769

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

All corrections are approved for enter into the record.

SPE: /Thomas K. Pham/

Art Unit 2872

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20120411

DATE : April 11, 2012

TO SPE OF : ART UNIT 2872 - SPE Thomas Pham

SUBJECT : Request for Certificate of Correction on Patent No.: 7,388,705
Application No.: 11/601769

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

Certificates of Correction Branch - PK 3-910

Palm location 7590 - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

All corrections are approved for enter into the record.

SPE: /Thomas K. Pham/

Art Unit 2872



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Arena Pharmaceuticals, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of
Ruoping Chen et al.
Application No. 11/601,928
Filed: November 20, 2006
Attorney Docket No. **AREN-
21CON(21.US20.CON)**

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 4, 2011, 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 of Non-Compliant Amendment, mailed June 28, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1646 for appropriate action by the Examiner in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions



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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

DEC 27 2010

In re Application of : **OFFICE OF PETITIONS**
Trent A. Poole, et al. :
Application No. 11/602,170 : **DECISION GRANTING PETITION**
Filed: November 20, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. M1117.70002US00 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 23, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 15, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3751 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11602278
Filing Date	21-Nov-2006
First Named Inventor	Junghoe Kim
Art Unit	2614
Examiner Name	WALTER BRINEY III
Attorney Docket Number	1901.1018
Title	SYSTEM, MEDIUM, AND METHOD OF ENCODING/DECODING MULTI-CHANNEL AUDIO SIGNALS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Stephen T. Boughner/
Name	Stephen T. Boughner
Registration Number	45317



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Decision Date : January 13, 2012

In re Application of :

Junghoe Kim

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11602278

Filed : 21-Nov-2006

Attorney Docket No : 1901.1018

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 13, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2614 for processing of the request for continuing examination under 37 CFR 1.114 .

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Schumacher et al. :
Application No. 11/602,283 : **DECISION GRANTING PETITION**
Filed: November 21, 2006 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. MEMORY-0001-D3 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 29, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application as set forth in the amendment filed March 3, 2008.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been

included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 1626 for appropriate action on the amendment filed March 3, 2008, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/602,283, 11/21/2006, 1626, 2400, MEMORY-0001-D3, 34, 4

CONFIRMATION NO. 8247

CORRECTED FILING RECEIPT



23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Date Mailed: 11/18/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

- Richard A. Schumacher, Monroe, NY;
William F. Brubaker, Cheshire, CT;
Michael De Vivo, New York, NY;
Hans-Jurgen Ernst Hess, Old Lyme, CT;
Allen Hopper, Glen Rock, NJ;
Ashok Tehim, Ridgewood, NJ;
Ruiping Liu, Huntington, NY;
Axel Unterbeck, Madison, CT;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 10/754,600 01/12/2004 PAT 7,205,320
which is a DIV of 10/051,309 01/22/2002 PAT 6,699,890

Foreign Applications

If Required, Foreign Filing License Granted: 12/26/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/602,283

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Phosphodiesterase 4 inhibitors

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

RECEIVED
CENTRAL FAX CENTER
MAY 24 2011

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/19/11

Paper No.: _____

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 11602317 Patent No.: 7911440

CofC mailroom date: 05/09/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580**

[Redacted]

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

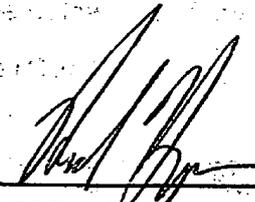
Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



SPE, ART UNIT 2629

Art Unit 2629

SPE

Art Unit



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

Patent No. : **7940664**
Ser. No. : **11/602449**
Inventor(s) : **CEDRONE, JAMES**
Issued : **05/10/2011**
Title : **I/O SYSTEMS, METHODS AND DEVICES FOR INTERFACING A
PUMP CONTROLLER**
Docket No. : **ENTG1810-1**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

In regards to the alleged error(s) in the Claims, see the attached SRE Response form.

In view of the foregoing, your request, in this matter, is hereby denied.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

Sprinkle IP Law Group
1301 W. 25th Street
Suite 408
Austin TX 78705

OL

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-20-11

TO SPE OF : ART UNIT 2467

SUBJECT : Request for Certificate of Correction for Appl. No.: 11602449 Patent No.: 7940664

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580**

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|--|
| <input type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input checked="" type="checkbox"/> Denied | State the reasons for denial below. |

Comments: The scope/meaning of the claims has been changed and conflict with the examiners reasons for allowance. Further search and or consideration may be necessary.

/Hassan Phillips/
SPE

2467
Art Unit



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SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

MAILED
FEB 15 2011
OFFICE OF PETITIONS

In re Application of :
George Gonnella, et al. :
Application No. 11/602,465 : **DECISION GRANTING PETITION**
Filed: November 20, 2006 : **UNDER 37 CFR 1.313(c)(1)**
Attorney Docket No. ENTG1740-1 :

This is a decision on the petition under 37 CFR 1.313(c)(1), filed February 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue.

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 3746 for consideration of the amendment submitted with the petition.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B -- Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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SPRINKLE IP LAW GROUP
1301 W. 25th STREET
SUITE 408
AUSTIN, TX 78705

MAILED

JAN 13 2012

OFFICE OF PETITIONS

In re Application of :
James Cedrone et al :
Application No. 11/602,472 : DECISION GRANTING PETITION
Filed: November 20, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ENTG1420-4 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 12, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 14, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This matter is being referred to Technology Center AU 3746 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE ID 83701

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :
Pullicar :
Application No. 11/602,544 : **DECISION ON PETITION**
Filed: 11/20/2006 :
Attorney Docket No. 4294 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 13, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 14, 2008. On September 5, 2008, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

The Office finance records reveal that petitioner submitted a \$555.00 extension of time fee with the present petition. 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). The \$555.00 extension of time fee was paid after the maximum extendable period for reply. Therefore, this fee is unnecessary.

It is further noted that petitioner submitted a \$70.00 terminal disclaimer fee. As the present utility application was filed after June 8, 2005, the submission of a terminal disclaimer (TD) is not necessary for the purposes of reviving the instant application. Thus, it appears that the TD fee was submitted in error.

Accordingly, the \$555.00 extension of time fee and the \$70.00 TD fee will be refunded in due course.

The Office notes that the address listed on the petition differs from the address of record. As a one-time courtesy the Office will mail a copy of the decision to the address on the petition. Thereafter, all correspondence will be mailed solely to the correspondence address of record until the Office receives a proper change of correspondence notification.

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

This application is being referred to Technology Center AU 3641 for appropriate action by the Examiner on the reply received on March 10, 2010.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: Reme A. Pullicar
7175 W. Ringperch Drive
Boise ID 83709



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DW Sep-10

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

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Patent No. 7658800 :
Issued: 02/09/2010 : DECISION ON PETITION
Application Number: 11/602568 :
Filing Date: 11/20/2006 :
Attorney Docket Number: 048638- :
013000 :

This is a decision on the renewed petition under 37 CFR 1.183, filed on January 27, 2010, which is being treated as a petition requesting waiver of 1.63 and 1.67 in that they require the signature of all inventors on a supplemental declaration.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

The petition is **GRANTED**.

Petitioners have supplied a supplemental declaration in compliance with 37 CFR 1.63 and 1.67 listing all of the named inventors, signed by joint inventors AiHua Chen, Shulin Wang, Gerald Yin, Qing Lv, and Li Fu on behalf of themselves and inventor Henry Ho. Additionally, petitioners have provided a declaration by Yinxin (Richard) Jiang stating that he telephoned inventor Ho, and asked inventor Ho to sign the supplemental declaration, but that inventor Ho stated orally that he was refusing to sign the supplemental declaration.

In view of the efforts recounted in the petition to obtain the signature of Henry Ho, it is agreed that justice would be served by waiving the requirement for his signatures on the supplemental declaration filed January 27, 2010.

The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

Patent No. 7,658,800 Application No. 11/602568

2

Receipt of the petition fee of \$400.00 as required by 37 CFR 1.17(f) is acknowledged. No further fees are due.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

A handwritten signature in black ink, appearing to read "D. Wood", with a long, sweeping horizontal stroke extending to the right.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

PATENT

URGENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Robert K. Baker et al.	
Serial No.:	11/602,577	Case No.: 22096
Filed:	November 21, 2006	
For:	HETEROCYCLE-SUBSTITUTED 3-ALKYL AZETIDINE DERIVATIVES	

Art Unit:
1626
Examiner:
Robert H. Havlin

URGENT FAX: (571) 273-0025
Mail Stop 313(c)
Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED
NOV 12 2010
OFFICE OF PETITIONS

PETITION UNDER 37 CFR § 1.313(c) TO WITHDRAW FROM ISSUE- ISSUE FEE PAID

Sir:

This is a Petition under 37 C.F.R. 1.313(c) to withdraw the above patent application from issue after payment of the issue fee at the initiative of the applicant.

The Applicant hereby petitions for the withdrawal of this application from issue.

The issue fee for this application was paid on August 19, 2010.

Based on a phone call to the Office of Petitions on November 9, 2010, this application is not yet scheduled to issue on a specific date and does not yet have an assigned patent number.

The reason for the request for withdrawal from issue is that one or more claims are unpatentable because Claim 1 as allowed has a broader scope than original Claim 1. Specifically, the proviso in allowed Claim 1 renders it broader in scope than Claim 1 as originally filed. The proviso of allowed Claim 1 states "provided that only one of R8, R9 and R10 is R15". This proviso leaves open the possibility that R8, R9 and R10 can all be substituents other than R15; it does not require that at least one of R8, R9 and R10 is R15. The scope of the allowed proviso is broader than the

Serial No.: 11/602,577
Case No.: 22096
Page No.: 2

proviso of original Claim 1 of the Preliminary Amendment of April 17, 2007, which stated that "provided that at least one of R8, R9 and R10 is R15."

Accompanying this petition is an amendment to Claim 1. This amendment replaces the proviso of allowed Claim 1 with the proviso of original Claim 1, as shown below. This amendment finds support in the application as originally filed and renders Claim 1 and the claims depending from Claim 1 patentable.

Applicants hereby also request consideration of a Request for Continued Examination in compliance with 1.114 under 37 C.F.R. 1.313(c)(2) to continue prosecuting the amended patent application to allowance.

Authorization is hereby made to charge the Petition fee of \$130, as set forth in 37 C.F.R. 1.17(h), Fee Code 1464, to Merck Deposit Account No. 13-2755. Any additional fees associated with this Amendment may be charged to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By: Baerbel R. Brown
Baerbel R. Brown, Reg. No. 47,449
Patent Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065
Tel.: (732)594-0672

November 11, 2010



Facsimile Cover Sheet

TODAY'S DATE: November 11, 2010

PLEASE DELIVER THE FOLLOWING MESSAGE TO:

Office of Petitions
Fax No.: **571-273-0025**

FAX RECEIVED

NOV 12 2010

OFFICE OF PETITIONS

THIS MESSAGE IS FROM:

Name: Baerbel R. Brown
Phone No.: (732)594-0672 Mail Location: RY60-30
Fax No.: (732)594-2300

Appl'n. No.: 11/602,577
Filing Date: November 21, 2006
Docket No.: 22096
For: HETEROCYCLE-SUBSTITUTED 3-ALKYL AZETIDINE DERIVATIVES

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER): 22

Documents sent:

Cover Sheet (1 pg.), Petition Under 37 CFR 1.313 (9 pgs.), RCE (3 pgs.),
Amendment Pursuant to RCE (9 pgs)

Please note Request for Continued Examination is also being filed via EFS.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (732) 594-8554

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below

KAREN ANN DROST

Type or print name of person signing certification

11-11-10
Signature Date

IMPORTANT

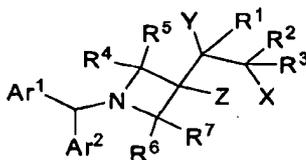
The information contained in this facsimile is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone, and return the original message to us at the address above via the appropriate postal service. *Thank you.*

Serial No.: 11/602,577
 Case No.: 22096
 Page No.: 3

AMENDMENT

This listing of claims will replace all prior versions, and listings, of claims in the application:

I. (Currently Amended) A compound of structural formula I:

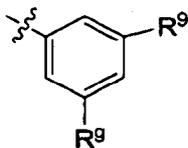


(I)

FAX RECEIVED
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OFFICE OF PETITIONS

wherein:

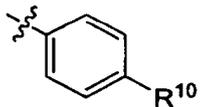
Ar¹ is:



, wherein R⁸ is hydrogen, and R⁹ is selected from R¹⁵,

hydrogen, and cyano;

Ar² is:



, wherein R¹⁰ is selected from: R¹⁵, hydrogen, halogen, and

cyano;

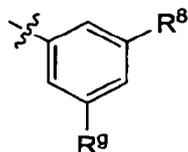
X is selected from:

- (1) hydroxy,
- (2) NH₂,
- (3) methyl, and
- (4) methoxy;

R⁴, R⁵, R⁶, R⁷, Y, and Z are each hydrogen;

R¹ is:

Serial No.: 11/602,577
 Case No.: 22096
 Page No.: 4



, wherein R⁸ is selected from R¹⁵, fluoro, and cyano, and R⁹ is halogen;

provided that only one of R⁸, R⁹, and R¹⁰ is R¹⁵;

R² is selected from:

- (1) hydrogen,
- (2) fluoro,
- (3) methyl, and
- (4) hydroxyl;

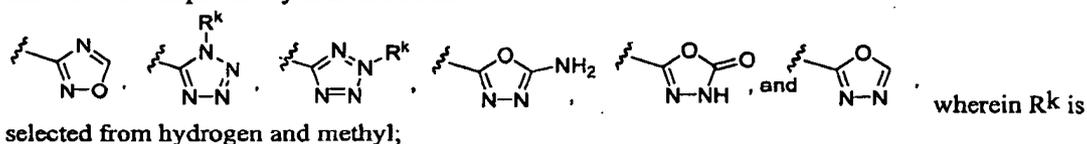
R³ is selected from methyl, and hydroxyl;

R⁸ is selected from:

- (1) R¹⁵,
- (2) hydrogen,
- (3) halogen,
- (4) methyl,
- (5) -CF₃,
- (6) cyano, and
- (7) SO₂CH₃;

provided that at least one of R⁸, R⁹, and R¹⁰ is R¹⁵;

each R¹⁵ is independently selected from:



selected from hydrogen and methyl;

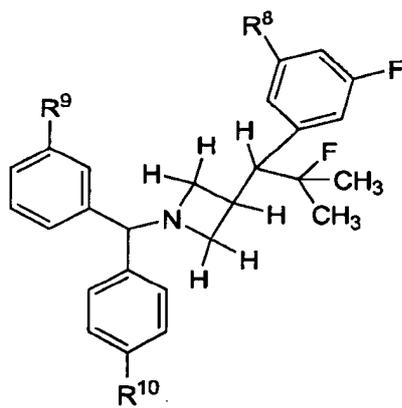
or a pharmaceutically acceptable salt thereof.

2. (Canceled)

Serial No.: 11/602,577
 Case No.: 22096
 Page No.: 5

3. (Canceled)

4. (Previously Presented) The compound according to Claim 1, of structural formula IF:

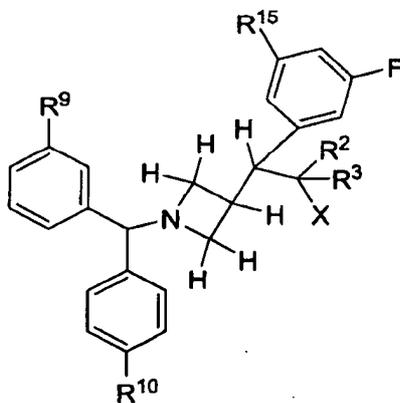


IF,

wherein only one of R⁸, R⁹, and R¹⁰ is R¹⁵, or a pharmaceutically acceptable salt thereof.

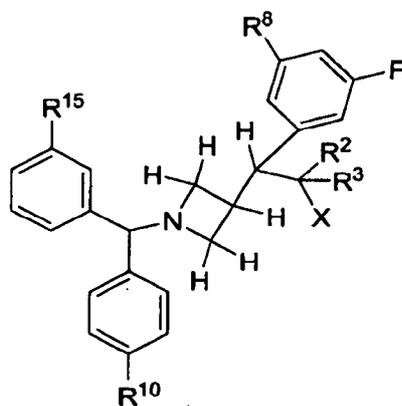
5. (Previously Presented) The compound according to Claim 1, selected from:

(a)

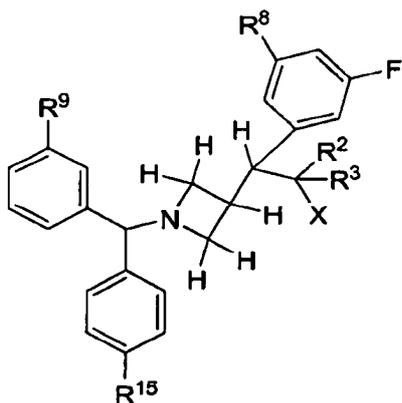


(b)

Serial No.: 11/602,577
 Case No.: 22096
 Page No.: 6



(c)



or a pharmaceutically acceptable salt thereof.

6. (Previously Presented) A compound according to Claim 1, selected from:

- (1) 3-[(*S*)-(4-chlorophenyl)(3-[(1*S*)-2-fluoro-1-[3-fluoro-5-(5-oxo-4,5-dihydro-1,3,4-oxadiazol-2-yl)phenyl]-2-methylpropyl]azetidin-1-yl)methyl]benzotrile,
- (2) 3-[(*S*)-(4-chlorophenyl)(3-[(1*S*)-2-fluoro-1-[3-fluoro-5-(1,3,4-oxadiazol-2-yl)phenyl]-2-methylpropyl]azetidin-1-yl)methyl]benzotrile,
- (3) 3-[(*S*)-(3-[(1*S*)-1-[3-(5-amino-1,3,4-oxadiazol-2-yl)-5-fluorophenyl]-2-fluoro-2-methylpropyl]azetidin-1-yl)(4-chlorophenyl)methyl]benzotrile,
- (4) 3-[(*S*)-(4-cyanophenyl)(3-[(1*S*)-2-fluoro-1-[3-fluoro-5-(5-oxo-4,5-dihydro-1,3,4-oxadiazol-2-yl)phenyl]-2-methylpropyl]azetidin-1-yl)methyl]benzotrile,
- (5) 3-[(*S*)-(3-[(1*S*)-1-[3-(5-amino-1,3,4-oxadiazol-2-yl)-5-fluorophenyl]-2-fluoro-2-methylpropyl]azetidin-1-yl)(4-cyanophenyl)methyl]benzotrile,
- (6) 3-[(*S*)-(4-cyanophenyl)(3-[(1*S*)-2-fluoro-1-[3-fluoro-5-(1,3,4-oxadiazol-2-yl)phenyl]-2-methylpropyl]azetidin-1-yl)methyl]benzotrile,

Serial No.: 11/602,577
Case No.: 22096
Page No.: 7

- (7) 3-[(*S*)-(4-chlorophenyl)(3-((*1S*)-2-fluoro-1-[3-fluoro-5-(1,2,4-oxadiazol-3-yl)phenyl]-2-methylpropyl)azetidin-1-yl)methyl]benzotrile,
- (8) 3-[(*1S*)-1-(1-((*S*)-(4-cyanophenyl)[3-(1,2,4-oxadiazol-3-yl)phenyl]-methyl)azetidin-3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzotrile,
- (9) 5-(3-{1-[1-(diphenylmethyl)azetidin-3-yl]-2-fluoro-2-methylpropyl}-5-fluorophenyl)-1*H*-tetrazole,
- (10) 5-(3-{1-[1-(diphenylmethyl)azetidin-3-yl]-2-fluoro-2-methylpropyl}-5-fluorophenyl)-1-methyl-1*H*-tetrazole,
- (11) 5-(3-{1-[1-(diphenylmethyl)azetidin-3-yl]-2-fluoro-2-methylpropyl}-5-fluorophenyl)-2-methyl-2*H*-tetrazole,
- (12) 3-[(4-chlorophenyl)(3-{2-fluoro-1-[3-fluoro-5-(2-methyl-2*H*-tetrazol-5-yl)phenyl]-2-methylpropyl}azetidin-1-yl)methyl]benzotrile,
- (13) 3-[(4-chlorophenyl)(3-{2-fluoro-1-[3-fluoro-5-(1-methyl-1*H*-tetrazol-5-yl)phenyl]-2-methylpropyl}azetidin-1-yl)methyl]benzotrile,
- (14) 3-[(4-cyanophenyl)(3-{2-fluoro-1-[3-fluoro-5-(1-methyl-1*H*-tetrazol-5-yl)phenyl]-2-methylpropyl}azetidin-1-yl)methyl]benzotrile,
- (15) 3-[(4-cyanophenyl)(3-{2-fluoro-1-[3-fluoro-5-(2-methyl-2*H*-tetrazol-5-yl)phenyl]-2-methylpropyl}azetidin-1-yl)methyl]benzotrile,
- (16) 5-{3-[(*S*)-{3-[(*1S*)-1-(3-bromo-5-fluorophenyl)-2-fluoro-2-methylpropyl]azetidin-1-yl}(4-chlorophenyl)methyl]phenyl)-1,3,4-oxadiazol-2(3*H*)-one,
- (17) 3-[(*1S*)-1-(1-((*S*)-(4-chlorophenyl)[3-(5-oxo-4,5-dihydro-1,3,4-oxadiazol-2-yl)phenyl]methyl)azetidin-3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzotrile,
- (18) 3-[(*1S*)-1-(1-((*S*)-(4-cyanophenyl)[3-(5-oxo-4,5-dihydro-1,3,4-oxadiazol-2-yl)phenyl]methyl)azetidin-3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzotrile,
- (19) 3-[(*1S*)-1-(1-((*S*)-(4-cyanophenyl)[3-(1,3,4-oxadiazol-2-yl)phenyl]methyl)azetidin-3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzotrile,
- (20) 3-[(*1S*)-1-(1-((*S*)-(4-chlorophenyl)[3-(1,3,4-oxadiazol-2-yl)phenyl]methyl)azetidin-3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzotrile,
- (21) 3-((*1S*)-1-{1-[(*S*)-[3-(5-amino-1,3,4-oxadiazol-2-yl)phenyl](4-chlorophenyl)methyl]azetidin-3-yl}-2-fluoro-2-methylpropyl)-5-fluorobenzotrile,
- (22) 3-((*1S*)-1-{1-[(*S*)-[3-(5-amino-1,3,4-oxadiazol-2-yl)phenyl](4-cyanophenyl)methyl]azetidin-3-yl}-2-fluoro-2-methylpropyl)-5-fluorobenzotrile,
- (23) 3-[(*1S*)-1-(1-((*S*)-(4-cyanophenyl)[3-(1,2,4-oxadiazol-3-yl)phenyl]methyl)azetidin-3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzotrile,
- (24) 3-[(*1S*)-1-(1-((*S*)-(4-chlorophenyl)[3-(1,2,4-oxadiazol-3-yl)phenyl]methyl)azetidin-3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzotrile,

Serial No.: 11/602,577
 Case No.: 22096
 Page No.: 8

- (25) 5-[3-((*S*)-(4-chlorophenyl){3-[(1*S*)-1-(3,5-difluorophenyl)-2-fluoro-2-methylpropyl]azetidin-1-yl)methyl)phenyl]-1,3,4-oxadiazol-2(*3H*)-one,
 (26) 5-[3-((*S*)-(4-chlorophenyl){3-[(1*S*)-1-(3,5-difluorophenyl)-2-fluoro-2-methylpropyl]azetidin-1-yl)methyl)phenyl]-1,3,4-oxadiazol-2(*3H*)-one, and
 (27) 4-{{(*S*)-{3-[(1*S*)-1-(3,5-difluorophenyl)-2-fluoro-2-methylpropyl]azetidin-1-yl}[3-(5-oxo-4,5-dihydro-1,3,4-oxadiazol-2-yl)phenyl]methyl}-benzotrile,
 or a pharmaceutically acceptable salt thereof.

Claims 7 - 12 (Canceled)

13. (Original) A composition comprising a compound according to Claim 1 and a pharmaceutically acceptable carrier.

Claims 14 - 20 (Canceled)

21. (Previously Presented) A composition comprising a compound according to Claim 1, or a pharmaceutically acceptable salt thereof, and a compound selected from simvastatin, ezetimibe, and 7-[(3*R*)-3-amino-4-(2,4,5-trifluorophenyl)butanoyl]-3-(trifluoromethyl)-5,6,7,8-tetrahydro-1,2,4-triazolo[4,3-*a*]pyrazine, or a pharmaceutically acceptable salt thereof, and a pharmaceutically acceptable carrier.

22. (Previously Presented) The compound according to Claim 1, wherein R⁸ is selected from:

- (1) fluoro, and
 (2) cyano;

or a pharmaceutically acceptable salt thereof.

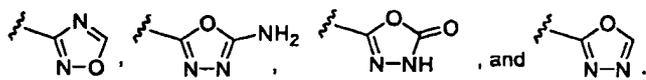
23. (Canceled)

24. (Previously Presented) The compound according to Claim 1, wherein

X is methyl;

R² is fluoro and R³ is methyl;

R¹⁵ is selected from:



Serial No.: 11/602,577
Case No.: 22096
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or a pharmaceutically acceptable salt thereof.

25. (Previously Presented) The compound according to Claim 1 which is: 3-
[(1*S*)-1-(1-((*S*)-(4-chlorophenyl)[3-(5-oxo-4,5-dihydro-1,3,4-oxadiazol-2-yl)phenyl]methyl)-azetidin-
3-yl)-2-fluoro-2-methylpropyl]-5-fluorobenzonitrile; or a pharmaceutically acceptable salt thereof.



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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

MAILED

SEP 27 2010

In re Patent of Mestre et al. :
Patent No. 7,699,214 :
Issue Date: April 20, 2010 :
Application No. 11/602,646 :
Filing Date: November 21, 2006 :
Attorney Docket No. R029 12430.1 :

OFFICE OF PETITIONS

**DECISION ON REQUEST
FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT**

This is a decision on the petition filed May 21, 2010, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by 535 days.

The request for reconsideration of the patent term adjustment indicated on the patent is **dismissed**.

A petition under 37 C.F.R. § 1.705(d) must include the fee set forth in 37 C.F.R. § 1.18(e). Neither the fee under 37 C.F.R. § 1.18(e) nor a general authorization to charge any required fees accompany the instant petition. Therefore, the petition is dismissed.

If Applicants wish for the merits of the petition to be considered and addressed, a request for reconsideration of the instant decision and the \$400 fee set forth in 37 C.F.R. § 1.18(e) must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.705(d)."

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

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

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

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

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

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

A handwritten signature in black ink, appearing to read 'C. S. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

MAILED
MAR 02 2011
OFFICE OF PETITIONS

In re Patent of Ignacio Mestre et al.	:	DECISION ON REQUEST
Patent No. 7,699,214	:	FOR RECONSIDERATION OF
Issue Date: April 20, 2010	:	PATENT TERM ADJUSTMENT
Application No. 11/602,646	:	AND NOTICE OF INTENT TO
Filing Date: November 21, 2006	:	ISSUE CERTIFICATE OF
Attorney Docket No. R029 12430.1	:	CORRECTION

This is a decision on the petition under 37 C.F.R. § 1.705(d) filed October 7, 2010, requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by five hundred thirty-five (535) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by - five hundred thirty-five (535) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **five hundred thirty-five (535) days**.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,699,214 B2
APPLICATION NO. : 11/602,646
DATED : April 20, 2010
INVENTOR(S) : Ignacio Mestre et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 489 days.

Delete the phrase "by 489 days" and insert -- by 535 days--



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/602,661	11/21/2006	David J. Torres	SCI	9562
62432	7590	08/31/2011	EXAMINER	
MICHAEL T. KONCZAL, PATENT ATTORNEY			JOSHI, SURAJ M	
P.O. BOX 863656			ART UNIT	PAPER NUMBER
PLANO, TX 75086			2447	
			MAIL DATE	DELIVERY MODE
			08/31/2011	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.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

In re Application of:
David Torres
Application No. 11/602661
Filed: November 21, 2006
For: **Cover Camera Apparatus for a Doorframe and Method**

DECISION ON PETITION TO MAKE SPECIAL ON GROUNDS THAT INVENTION CONTRIBUTES TO COUNTER TERRORISM

This is a decision on the petition to make special on the grounds that the invention will materially contribute to countering terrorism.

The petition is **DISMISSED**.

Relevant File Record History

On June 24, 2010, the applicant filed a petition to make the application on the grounds that it will materially contribute to countering terrorism. On that basis, no petition fee is paid.

On July 18, 2008, the Office mailed the First Action On the Merits (FOAM) to the applicant's representative.

REVIEW OF FACTS

The petitioner is asking to make the application special because the invention is materially related to counter terrorism. Such inventions are not required to pay the fee to make special.

MPEP 708.02, paragraph XI, states:

"The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems."

The invention is related to an apparatus for mounting a miniaturized camera. Applicant's statement does not link the invention to any of such types of technology. Furthermore, MPEP 708.02 paragraph XI states:

Decision on Petition

"The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to countering terrorism."

The applicant does not present a persuasive argument that the invention really is materially related to counter terrorism. Accordingly, the invention is not considered materially related to countering terrorism.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will be returned to the examiner's docket to await treatment on the merits in the normal order.

Petitioner is given a single opportunity to perfect the petition. Any further petition on this decision must be filed within TWO MONTHS of the mail date of this decision.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.



Tod R Swann, WQAS 2430
Technology Center 2400
Networking, Multiplex, Cable and Information Security



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JOHN C. SMITH, P.A.
4125 NW 58th LANE
BOCA RATON FL 33496

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of :
Debra J. Fogel Harris :
Application No. 11/602,740 : **ON PETITION**
Filed: November 21, 2006 :
Attorney Docket No. Harris-001-PCT :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, April 28, 2009, which set a shortened statutory period for reply of three (3) months. A one month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 29, 2009. A Notice of Abandonment was mailed on December 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b), (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the filing of a continuing application under 37 CFR 1.53(b) is accepted as being unintentionally delayed.

The 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).

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Philipp Lang, M.D., MBA
Vertegen, Inc.
7 Fair Oaks Terrace
Lexington MA 02421

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Philipp Lang :
Application No. 11/602,763 : DECISION ON PETITION
Filed: November 21, 2006 :
Attorney Docket No. Vert_003.00us :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed April 27, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 28, 2010. A Notice of Abandonment was mailed on November 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the election and amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3775 for appropriate action by the Examiner in the normal course of business on the reply received January 6, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

MAILED

OCT 22 2010

In re Application of :
Chen-Hua Yu, et. al. :
Application No. 11/602,808 :
Filed: November 21, 2006 :
Attorney Docket No. TSM06-0516 :

OFFICE OF PETITIONS
ON PETITION

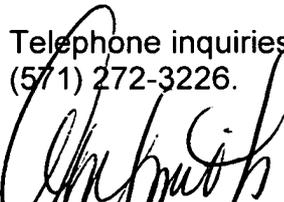
This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 2010, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed on January 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the \$810 fee; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2891 for processing of the RCE.

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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MICHAEL N. HAYNES
1341 HUNTERSFIELD CLOSE
KESWICK VA 22947

MAILED

OCT 04 2011

In re Patent No. 7,411,204
Issue Date: August 12, 2008
Application No.: 11/602,836
Filed: November 21, 2006
Attorney Docket No.: 1021-032

OFFICE OF PETITIONS

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed September 20, 2011.

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

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. The change of status to a large entity has been entered and made of record.

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

This file is being forwarded to the Files Repository.

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

Shirene Willis Brantley

Shirene Willis Brantley
Petitions Attorney
Office of Petitions



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DEC 09 2010

OFFICE OF PETITIONS

KATHY MANKE
AVAGO TECHNOLOGIES LIMITED
4380 ZIEGLER ROAD
FORT COLLINS CO 80525

In re Application of :
Leong, et al. :
Application No. 11/602,876 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. 70060274-1 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 10, 2010.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed May 26, 2010. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on August 27, 2010. The Office mailed a Notice of Abandonment on September 13, 2010.

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 issue fee.

The application is being forwarded to the Office of Data Management for processing into a patent.

Application No. 11/602,876

Page 2

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

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/07/10

TO SPE OF : ART UNIT 1734

SUBJECT : Request for Certificate of Correction for Appl. No.: 11602898 Patent No.: 7678352

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

Trudy M. Le
SPE

1734
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/07/10

TO SPE OF : ART UNIT 1734

SUBJECT : Request for Certificate of Correction for Appl. No.: 11602898 Patent No.: 7678352

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

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Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

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You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved**
- Approved in Part**
- Denied**

- All changes apply.**
- Specify below which changes do not apply.**
- State the reasons for denial below.**

Comments: _____

Cheryl M. Le

SPE

1734
Art Unit



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WASHINGTON, DC 20037-3213

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APR 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Daisuke YAMAUCHI	:	
Application No. 11/603,048	:	DECISION GRANTING PETITION
Filed: November 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q98414	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON DC 20037-3213

MAILED

AUG 29 2011

In re Application of : OFFICE OF PETITIONS
Daisuke Yamauchi :
Application No. 11/603,048 : DECISION GRANTING PETITION
Filed: November 22, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q98414 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 26, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 8, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

MAILED
MAR 17 2011
OFFICE OF PETITIONS

In re Application of :
COHEN, et al :
Application No. 11/603,275 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. QQ1-0069US : 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 January 26, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the request to change the correspondence address is not accompanied by a power of attorney nor is the correspondence address that of an assignee of the entire interest who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/02/11
TO SPE OF : ART UNIT 2629
SUBJECT : Request for Certificate of Correction for Appl. No.: 11603294 Patent No.: 7489309
CofC mailroom date: 08/09/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes in the drawings be approved

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|---|
| <input type="checkbox"/> Approved | All changes apply. |
| <input checked="" type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: 1. Page 2, Column 1, under U.S. Patent Documents, please delete "9/1975", please insert -6/1973-. This is incorrect, as the correct date is, in fact, what was printed.

2. Page 2, Column 1, under U.S. Patent Documents, please delete "5,186,695" please insert - 5,188,685-. This is incorrect, as the printed patent number is the one that corresponds

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

to the name and date of the patent 5,186,695.

3. The remaining corrections have been approved.

/Sumati Lefkowitz/
SPE

AU 2629
Art Unit



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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Patent No. 7,920,663 :
Issued: April 5, 2011 : DECISION ON PATENT TERM and
Application No. 11/603,323 : NOTICE OF INTENT TO ISSUE
Filed: November 20, 2006 : CERTIFICATE OF CORRECTION
Atty. Dkt. No.: 20876US01 :

This is a decision on the application for patent term adjustment filed June 2, 2011 requesting that the patent term adjustment be increased from 743 days to 774 days.

The request for reconsideration of the patent term adjustment (PTA) pursuant to 37 CFR 1.705(d) is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The above-identified application matured into U.S. Pat. No. 7,920,663 on April 5, 2011. The patent issued with a patent term adjustment of 743 days. The instant application for patent term adjustment was timely filed in accordance with 37 CFR 1.705(d). Patentee contests the period of adjustment of 325 days accorded pursuant to 37 CFR 1.702(b) and assert that based on petitioners interpretation of law and rules, the correct period of adjustment is 326 days.

Petitioner's arguments have been carefully considered, but are not persuasive. The period of adjustment pursuant to 37 CFR 1.702(b) was properly calculated at 325 days.

35 USC 154(b)(1)(B) states in relevant part:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including — (i) any time consumed by continued examination of the application requested by the applicant under section 132(b).

37 CFR 1.702(b) states in relevant part:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including: (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b).

37 CFR 1.703(b) states in relevant part:

The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods: (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

However, in accordance with 35 USC 154(b)(1)(B)(i), 37 CFR 1.702(b)(1), and 37 CFR 1.703(b)(1), the period of adjustment pursuant to § 1.702(b) does not any time consumed by continued examination.

Herein, a request for continued examination was filed October 12, 2010. Thus, excluding the period of time consumed by continued examination, the period of adjustment pursuant to 37 CFR 1.703(b) is 325 days.

Patentees further contest the reduction totalling 49 days in connection with the post allowance filing submitted February 16, 2011. Patentees assert that the correct reduction is 19 days.

A review of the record reveals that the correct reduction in connection with the post allowance submission is 20 days. The reduction commenced February 16, 2011, the date that the post allowance submission was filed, and ended March 7, 2011, the date that a response thereto was mailed. See, 37 CFR 1.704(c)(10)(i).

In view thereof, at the time of allowance, the patent was entitled to an overall adjustment of 772 days (592 days pursuant to 37 CFR 1.702(a) + 325 days pursuant to 37 CFR 1.702(b) – 145 days under 37 CFR 1.704).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

The required \$200.00 fee set forth in 37 CFR 1.18(e) has been charged to the authorized deposit account. No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 772 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under

Patent No. 7,920,663

3

35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,920,663

DATED : April 5, 2011

DRAFT

INVENTOR(S) : Stevens

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 743 days

Delete the phrase "by 743 days" and insert -- by 772 days --



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Margaret Anderson
106 E. 6th Street, Suite 900
Austin, TX 78701

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen, et. al.
Application No. 11/603,334
Filed: November 20, 2006
Attorney Docket No. QQ1-0137US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed January 27, 2011.

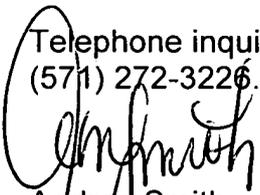
The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked on January 31, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the above-listed address of record until otherwise notified by applicant.

This application is being referred to Technology Center 2600 for examination in due course.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/603,373 11/22/2006 Katsuhiko Araki 6639P272 1676

7590 09/08/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

CHOWDHURY, NIGAR

ART UNIT PAPER NUMBER

2621

MAIL DATE DELIVERY MODE

09/08/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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NOV 23 2010

OFFICE OF PETITIONS

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

In re Application of :
Lu, et al. : DECISION ON APPLICATION
Application No. 11/603,542 : FOR
Filed: November 22, 2006 : PATENT TERM ADJUSTMENT
Atty. Docket No. **2750-1581PUS3** :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed October 12, 2010. Applicants requests that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from one hundred and fifty-eight (158) days to one hundred and fifty-nine (159) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred and fifty-nine (159) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 13, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date is one hundred fifty eight (159) days.

In response, applicant timely¹ filed the instant request for reconsideration of the patent term adjustment along with payment of the fee set forth in 37 C.F.R. § 1.18(e). Applicant requests that the patent term adjustment be corrected to 159 days.

¹ The Office records indicate that the Issue Fee payment was received on October 12, 2010.

Applicant asserts that the reduction to the patent term under 37 CFR 1.704(c)(7) for the filing of a supplemental response to a restriction/election requirement after a Notice of Non-Compliant Amendment was issued should be 112 days, not 113 days.

Applicant's argument has been considered and is persuasive. A review of the application file history reveals a response to a restriction/election requirement was filed on March 20, 2009, but the Office PAIR system indicates the response was filed March 19, 2009. A Notice of Non-Compliant Amendment was mailed June 11, 2009, to which applicant filed a response on July 10, 2009. 37 CFR 1.704(c)(7) provides that:

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(7) Submission of a reply having an omission (§1.35(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date the reply or other paper correcting the omission was filed.

It is undisputed that the response filed March 20, 2009, contained an omission and that the response correcting the omission was not filed until July 10, 2009. Accordingly, pursuant to 37 CFR 1.704(c)(7), the period of reduction of 113 days will be removed and a reduction of 112 days with said period beginning on the day after the date the reply having an omission was filed, March 21, 2009, and ending on the date the reply correcting the omission was filed, July 10, 2009.

In view thereof, the correct patent term adjustment at the time of the mailing of the Notice of Allowance is 159 days (400 days of Office delay - 241 days of applicant delay).

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent. Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

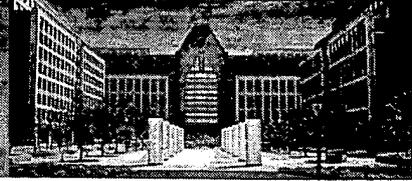
/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11603542 [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 11603542

Application Filing Date	11/22/2006	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	400
A Delays	400	PTO Manual Adjustment	1
B Delays	0	Applicant Delay (APPL)	242
C Delays	0	Total PTA (days)	159

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
76	11/16/2010		P028	Adjustment of PTA Calculation by PTO	1	0	
66	07/13/2010		MN/=	Mail Notice of Allowance		0	
65	07/07/2010		IREV	Issue Revision Completed		0	
64	07/07/2010		N/=	Notice of Allowance Data Verification Completed		0	
62	06/24/2010		IREV	Issue Revision Completed		0	
63	06/22/2010		LET.	Miscellaneous Incoming Letter		0	
61	06/22/2010		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
60	06/22/2010		DVER	Document Verification		0	
59	06/21/2010		CNTA	Notice of Allowability		0	
58	05/28/2010		EML_NTR	Email Notification		0	
57	05/28/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
56	05/21/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
54	04/18/2010		FWDX	Date Forwarded to Examiner		0	
53	03/30/2010		A...	Response after Non-Final Action		0	
52	12/30/2009		ELC_RVW	Electronic Review		0	
51	12/30/2009		EML_NTF	Email Notification		0	
50	12/30/2009		MCTNF	Mail Non-Final Rejection		0	
49	12/22/2009		CTNF	Non-Final Rejection		0	
44	11/18/2009		FWDX	Date Forwarded to Examiner		0	
43	11/16/2009	07/10/2009	ELC.	Response to Election / Restriction Filed		129	39
42	10/15/2009		EML_NTR	Email Notification		0	
41	10/15/2009		NINA	Mail Notice of Informal or Non-Responsive Amendment		0	
40	07/29/2009		FWDX	Date Forwarded to Examiner		0	
39.1	07/10/2009		A.I.	Informal or Non-Responsive Amendment after Examiner Action		0	
39	07/10/2009	03/19/2009	ELC.	Response to Election / Restriction Filed		113	27
38	06/11/2009		EML_NTR	Email Notification		0	
37	06/11/2009		NINA	Mail Notice of Informal or Non-Responsive Amendment		0	
47	05/27/2009		IDSC	Information Disclosure Statement considered		0	
36	05/27/2009		M844	Information Disclosure Statement (IDS) Filed		0	
33	05/27/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
48	05/15/2009		IDSC	Information Disclosure Statement considered		0	
35	05/15/2009		RCAP	Reference capture on IDS		0	
34	05/15/2009		M844	Information Disclosure Statement (IDS) Filed		0	
32	05/15/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
31	05/06/2009		EML_NTR	Email Notification		0	
30	05/06/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
29	04/30/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
28	03/28/2009		FWDX	Date Forwarded to Examiner		0	
27.1	03/19/2009		A.I.	Informal or Non-Responsive Amendment after Examiner Action		0	
27	03/19/2009		ELC.	Response to Election / Restriction Filed		0	
26	03/19/2009		C614	New or Additional Drawing Filed		0	
25	02/25/2009		ELC_RVW	Electronic Review		0	
24	02/25/2009		EML_NTF	Email Notification		0	
23	02/25/2009	01/22/2008	MCTRS	Mail Restriction Requirement	400		-1
22	02/17/2009		CTRS	Requirement for Restriction / Election		0	
21	10/24/2008		DOCK	Case Docketed to Examiner in GAU		0	
20	08/18/2008		DOCK	Case Docketed to Examiner in GAU		0	
19	02/22/2008		EML_NTR	Email Notification		0	
18	02/21/2008		PG-ISSUE	PG-Pub Issue Notification		0	
17	11/08/2007		DOCK	Case Docketed to Examiner in GAU		0	
16	09/17/2007		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	
15	09/04/2007		WROIPE	Application Return from OIPE		0	
14	09/04/2007		PGPC	Sent to Classification Contractor		0	
13	09/04/2007		COMP	Application Is Now Complete		0	
10	03/05/2007		CRFE	CRF Is Good Technically / Entered into Database		0	

12	02/26/2007	ADDFL	Additional Application Filing Fees	0
11	02/26/2007	SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	0
7	12/21/2006	W/OA	Pre-Exam Office Action Withdrawn	0
6	12/21/2006	ROIPE	Application Return TO OIPE	0
5	12/20/2006	OIPE	Application Dispatched from OIPE	0
4	12/20/2006	COMP	Application Is Now Complete	0
3	12/06/2006	L194	Cleared by OIPE CSR	0
2	11/30/2006	SCAN	IFW Scan & PACR Auto Security Review	0
1	11/22/2006	IEXX	Initial Exam Team nn	0

Export to: [Excel](#)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/3/2011

TO SPE OF : ART UNIT 1638

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/603557 Patent No.: 7723574 B2

CofC mailroom date: 1/26/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

The Certificate of Correction is approved, given that it corrects

Comments: _____

errors made when the Patent was published. /EM/

/Gary Benzion/

1637

SPE

Art Unit



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Kilpatrick Townsend & Stockton, LLP - 46872
J. Steven Gardner
1001 West Fourth Street
Winston-Salem, NC 27101

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Kayvan Najarian
Application No. 11/603,591
Filed: November 22, 2006
Attorney Docket No. 46872-337273

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed February 11, 2011.

A review of the file record indicates that the attorney/agent Liam McDowell has no power of attorney in this patent application nor has Mr. McDowell been employed or otherwise engaged in the proceedings in this application.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. Practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

In view of the above, the request to withdraw is under 37 CFR §§ 1.36(b) or 10.40 **NOT APPROVED**.

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) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Liam McDowell
1061 Dalebrook Drive
Alexandria, VA 22308



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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

SEP 27 2011

OFFICE OF PETITIONS

In re Application of
KIRKOV, BORISLAV
Application No. 11/603,655
Filed: 11/22/2006
Attorney Docket No. 76688

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 16, 2011, to revive the application.

The petition is **GRANTED**.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of May 27, 2009, which set a three-month shortened statutory period for response. No extensions of the time period for response were obtained. Accordingly, the application became abandoned on August 28, 2009. A Notice of Abandonment was mailed on January 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2885 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should 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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COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

MAILED
APR 03 2012
OFFICE OF PETITIONS

In re Application of :
Borislav Kirkov : **DECISION ON PETITION**
Application No. 11/603,655 : **TO WITHDRAW**
Filed: November 22, 2006 : **FROM RECORD**
Attorney Docket No. 76688 :

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 16, 2011.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on December 16, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address (form PTO/SB/83). Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply 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 replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (form enclosed), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed December 13, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/83



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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

MAILED

MAR 16 2012

In re Application of
TURNELL, et al
Application No. 11/603,660
Filed: November 21, 2006
Attorney Docket No. MEDIV3020-2

OFFICE OF PETITIONS

**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 February 14, 2012.

The request is **NOT APPROVED**.

The Office will either change the correspondence address of record to the most current address information provided for a new practitioner or law firm who has filed a proper power of attorney, the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address appears to be that of a new practitioner or law firm who has not filed a proper power of attorney in the Office, the Request to Withdraw filed February 14, 2012, cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: **WILLIAM D. TURNELL ET AL.**
C/O MARK EKSE, HAGEN WILKA
& ARCHER LLP
600 S MAIN AVENUE, SUITE 102
SIOUX FALLS SD 57104



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**DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133**

MAILED

APR 16 2012

In re Application of	:	OFFICE OF PETITIONS
TURNELL, et al	:	
Application No. 11/603,660	:	DECISION ON PETITION
Filed: November 21, 2006	:	TO WITHDRAW
Attorney Docket No. MEDIV3020-2	:	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 March 29, 2012.

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 Lisa Haile on behalf of the attorneys of record associated with Customer No. 28213.

The attorneys of record associated with Customer No. 28213 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 until otherwise properly notified by the applicant.

Inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MEDIVAS, LLC
P.O. BOX 33419
SAN DIEGO CA 92163



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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
11/603,660	11/21/2006	William D. Turnell	MEDIV3020-2

CONFIRMATION NO. 1607

POWER OF ATTORNEY NOTICE



28213
DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

Date Mailed: 04/16/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2012.

- 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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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MAILED
FEB 29 2012
OFFICE OF PETITIONS

Linda J. Franklin
3321 Appomattox Dr
Forest Hill TX 76140

In re Application of :
Franklin, et al. :
Application No. 11/603,724 : ON PETITION
Filed: November 24, 2006 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(a), filed February 6, 2012, 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 non-final Office action mailed January 25, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period, and the application became abandoned on April 26, 2008. A Notice of Abandonment was mailed on September 19, 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 items (1) and (3).

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

¹As 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).

²In 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.

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 Nonawareness of a PTO rule will not constitute unavoidable delay.⁹

Application of the standard to the current facts and circumstances

³Rydeen 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.")

⁴Commissariat 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).

⁵Haines 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)).

⁶Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (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)).

⁷Id.

⁸See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

⁹See 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 nonawareness 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.

Questions regarding the preparation of any amendment to the claims should be directed to Examiner Chi Nguyen who is presently assigned to this application. Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: FORM/PTO/SB/64



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Linda J. Franklin
3321 Appomattox Dr
Forest Hill TX 76140

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of :
Franklin, et al. :
Application No. 11/603,724 :
Filed: November 24, 2006 :
Attorney Docket No. :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed March 12, 2012, to revive the above-identified application.

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

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

The above-identified application became abandoned for failure to reply to the non-final Office action mailed January 25, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply pursuant to 37 CFR 1.136(a) was available. A proper response was not received within the allowed period, and the application became abandoned on April 26, 2008. A Notice of Abandonment was mailed September 19, 2008. A petition under 37 CFR 1.137(a) was filed February 6, 2012, and dismissed by a decision mailed February 29, 2012.

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).

¹As 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.

In re Application No. 11/603,724

The instant petition again lacks items (1) and (3).

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

³Rydeen 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.”)

⁴Commissariat 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).

⁵Haines 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)).

⁶Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (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)).

⁷Id.

In re Application No. 11/603,724

Box 1450
Alexandria, VA 22313-1450

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Alvin T. Rockhill
P.O. Box 1283
Bath OH 44210

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 11/603,739 : **DECISION ON PETITION**
Filed: 11/22/2006 :
Attorney Docket No. DN2006-087 :

This is a decision on the petition under 37 CFR 1.137(a) filed December 7, 2011, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed November 23, 2010, which set a three-month shortened statutory period for reply. In the absence of a timely filed reply, the application became abandoned on February 24, 2011. A Notice of Abandonment was mailed on September 7, 2011.

Applicant asserts that the non-final Office action dated November 23, 2010, was not received. In support of the assertion, applicant submitted the Affidavit of Mary A. Nicoloff, a paralegal, in which she explained the procedures for docketing all incoming correspondence from the USPTO. Applicant submitted a copy of the docket record for this application where the non-received Office action would have been entered had it been received. Additionally, applicant provided a copy of a master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action. The practitioner attested to the fact that a search of these records indicated that the non-final Office action was not received at the correspondence address of record.

A review of the written record indicates no irregularity in the mailing of the non-final 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 final Office action was not in fact received.

As stated in Section 711.03(c)(I)(A) of the Manual for Patent Examining Procedure:

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).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. Accordingly, applicant presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn and the application is returned to pending status.

Technology Center Art Unit 3657 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the non-final Office action of November 23, 2010. The three-month shortened statutory period to reply to the non-final Office action will be set to run from the re-mailing date of the Office action.

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



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OFFICE OF TECHNOLOGY TRANSFER,
EMORY UNIVERSITY
1599 CLIFTON ROAD NE
4TH FLOOR
ATLANTA, GA 30332

MAILED

JUN 27 2011

In re Application of :
Jack Arbiser :
Application No. 11/603,747 :
Filed: November 22, 2006 :
Attorney Docket No. 07029 US1 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed September 7, 2010, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on November 8, 2010. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center

This application is being referred to Technology Center AU 1611 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



April M. Wise
Petitions Examination
Office of Petitions



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**VIRTUAL LAW PARTNERS LLP
555 BRYANT STREET
SUITE 820
PALO ALTO CA 94301**

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
PRATER, et al :
Application No. 11/603,766 :
Filed: November 22, 2006 :
Attorney Docket No. 921-001-006 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 17, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay have been received.

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 decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1618 for processing of the RCE in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: JAMES G. MARKEY
VIRTUAL LAW PARTNERS LLP
1979 MARCUS AVENUE, STE 210,
LAKE SUCCESS NY 11042



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**NORTON ROSE OR LLP
1, PLACE VILLE MARIE
SUITE 2500
MONTREAL QC H3B 1R1 CA CANADA**

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of :
AUGER, et al :
Application No. 11/603,865 : **ON PETITION**
Filed: November 24, 2006 :
Attorney Docket No. 18578-2US-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 11, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance (see attached Advisory Action), the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition 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.

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.

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) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RAVI DIPALI
 150 DAN ROAD
 CANTON, MA 02021

Attachment: Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

11/603,865

Applicant(s)

AUGER ET AL.

Examiner

ALLISON FORD

Art Unit

1653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 October 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 6 months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-8, 11, 12 and 15-17.
Claim(s) withdrawn from consideration: 18-26.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____.
13. Other: _____.

/Allison M. Ford/
Primary Examiner, Art Unit 1653

Continuation of 3. NOTE: The proposed claim amendments narrow the scope of the claims, and thus would require new search and consideration. Specifically, the amendment to claim 1 changes the scope of the claims to now require the separator to be porous, yet impermeable to cells, this is different than the finally rejected version of the claims, which permitted for the separator to be impermeable (i.e. completely impermeable) OR selectively permeable. The final rejection was based on art (Bhatia) which teaches use of a completely impermeable separator. Due to the change in scope of the proposed amendment, Bhatia would not longer be applicable to the amended claims, and thus a new search would need to be performed to determine if alternative art would appropriate read on the amended claims.

Continuation of 11. does NOT place the application in condition for allowance because: the arguments are directed to limitations which will not be entered at this point in prosecution.



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**ORGANOGENESIS, INC.
150 DAN ROAD
CANTON MA 02021**

MAILED

DEC 15 2011

OFFICE OF PETITIONS

In re Application of :
AUGERER, et al :
Application No. 11/603,865 : **ON PETITION**
Filed: November 24, 2006 :
Attorney Docket No. OI703US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 11, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is April 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$930 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1860; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1651 for processing of the RCE in the normal course of business.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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P.O. Box 1450

Dr. Paul Vincent
Kohler Schmid Moebus
Ruppmannstrasse 27
D-705655 Stuggart Germany

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Philippe STAUFFENEGGAR et al. : DECISION DISMISSING PETITION
Application No. 11/603,882 : UNDER 37 CFR 1.181
Filed: 24 November 2006 :
Atty. Docket No.: P8824US :

This is a decision on the petition, filed 3 January 2011, which is a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision, *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The Application was held abandoned for failure to reply in a timely manner to the final Office action mailed 12 April 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed 8 December 2010.

A grantable petition under 37 CFR 1.181 requires: (1) *prima facie* evidence that an appropriate response was filed, e.g., "Express Mail" procedures, postcard receipt, or certificate of facsimile under 37 CFR 1.8(b), and (2) a petition filed under 37 CFR 1.181 (MPEP 711.03(c)). The present petition lacks item (1).

The Petitioner asserts that an appropriate response was filed on 12 July 2010, before the abandonment of the application. However, this response was taken as a draft response having been labeled "Draft of Proposed Claims". There is no evidence that a formal response was timely submitted nor is there any evidence that a facsimile response was sent to the Central FAX number (*see*, MPEP 502.01). As no formal response was

submitted, the application was properly held abandoned. Accordingly, the instant petition to withdraw the holding of abandonment cannot be granted.

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 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), **\$1620**.

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 \$1620 petition fee.

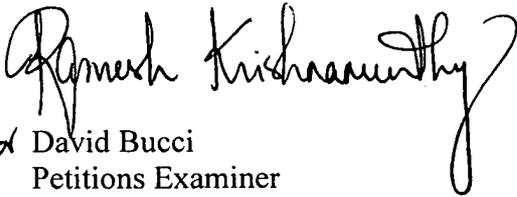
Further correspondence with respect to this matter should be addressed as follows:

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

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

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).


for David Bucci
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/64



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450

**Dr. Paul Vincent
Kohler Schmid Moebus
Ruppmannstrasse 27
D-705655 Stuggart Germany**

**MAILED
JUL 18 2011
OFFICE OF PETITIONS**

In re Application of :
Philippe STAUFFENEGGAR et al. : DECISION DISMISSING PETITION
Application No. 11/603,882 : UNDER 37 CFR 1.181
Filed: 24 November 2006 :
Atty. Docket No.: P8824US :

This is a decision on the renewed petition under 37 CFR 1.181, filed May 23, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision, *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The Application was held abandoned for failure to reply in a timely manner to the final Office action mailed 12 April 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed 8 December 2010.

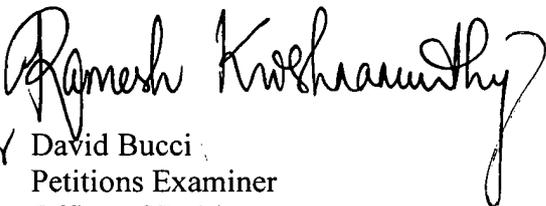
A grantable petition under 37 CFR 1.181 requires: (1) *prima facie* evidence that an appropriate response was filed, e.g., "Express Mail" procedures, postcard receipt, or certificate of facsimile under 37 CFR 1.8(b), and (2) a petition filed under 37 CFR 1.181 (MPEP 711.03(c)). The present petition lacks item (1).

Petitioner asserts that an appropriate response was filed on 12 July 2010, before the abandonment of the application. However, this response was taken as a draft response as it was sent directly to the Examiner. There is no evidence that a formal response was timely submitted nor is there any evidence that a facsimile response was sent to the Central FAX number (*see*, MPEP 502.01). Whereas Petitioner has provided evidence showing that facsimiles were sent to the Examiner, there is no evidence that these documents were sent to the USPTO Central FAX number. As set forth in MPEP 502.01:

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 relating to this decision should be directed to Robert DeWitty,
Petitions Attorney, Office of Petitions (571-272-8427).


for 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

**KOHLER SCHMID MOEBUS
RUPPMANNSTRASSE 27
D-70565 STUTTGART DE GERMANY**

**MAILED
OCT 11 2011
OFFICE OF PETITIONS**

In re Application of :
Philippe STAUFFENEGGER et al. : ON PETITION
Application No. 11/603,882 :
Filed: November 24, 2006 :
Atty. Docket No.: P8824US :

This is a decision on the petition under 37 CFR 1.137(b), filed August 9, 2011, 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 mailing 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 final Office action mailed 12 April 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned July 13, 2010. A Notice of Abandonment was mailed 8 December 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the 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). The present petition lacks item (1).

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, or the filing of a continuing application. *See*, MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of

Appeal (and appeal fee), a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application. See attached copy of Advisory Action.

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 relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-6051).


for Anthony Knight
Director
Office of Petitions

Enclosure: Copy of Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

11/603,882

Applicant(s)

STAUFFENEGGER ET AL.

Examiner

BRYAN KILPATRICK

Art Unit

1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-13.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____.

Continuation of 3. NOTE: The current draft of proposed claim amendments recites that instant claim 5 is dependent on cancelled instant claim 4, which is a clear error in light of 35 USC 112, 4th paragraph; this issue was previously discussed in the interview summary filed on 10 August 2010.

DO NOT ENTER /B.K./

03 01 11 10:45

Dr. Paul Vincent

0049 8322 987299

S.6

IMAGE FILE ENTRY 2010-08-10

12 07 10 16:34

Dr. Paul Vincent

"Miscellaneous Internal Document"

0049 8322 987299

S.1

DRAFT OF PROPOSED CLAIMS

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JAN 03 2011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	STAUFFENEGGER, Philippe et al.) Examiner:
Application No.:	11/603,882	) KILPATRICK, B.T.
Filing Date:	November 24, 2006	) Art Unit:
For:	REDUCTION IN EDDY CURRENT	) 1797
	LOSSES IN ELECTRICALLY)
	CONDUCTING SAMPLE MATERIALS)
	WITH THE ASSISTANCE OF)
	SPECIAL NMR SAMPLE TUBES)

Atty. Docket No.: P8824US

AMENDMENT AFTER FINAL

Mail-Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
USA

This communication is in response to the Final Office Action in the subject patent application mailed April 12, 2010.

03 01 11 10:46

Dr. Paul Vincent

0049 8322 987299

S.10

12 07 10 16:34

Dr. Paul Vincent

0049 8322 987299

S.5

5

Remarks

Claims 1 through 10 stand rejected under 35 USC 103(a) as being unpatentable over Cummings '900. Claims 11-13 stand rejected under 35 USC 103(a) as being unpatentable over Cummings '900 in view of McNair '199.

In response thereto, the Applicant initiated several telephone interviews which are of record. Agreement was obtained that the limitations of former claim 6 and intermediate claims 4 and 3 would be allowable if a further search fails to support new grounds of rejection. Accordingly, the Examiner has indicated that the next office action will either be a notice of allowance or a non-final rejection.

Respectfully submitted,

/Paul Vincent/
Dr. Paul Vincent
Reg. No. 37,461

Kohler Schmid Moebus
Patentanwälte
Ruppmannstrasse 27
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Telephone: 49-711-78 47 30
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03 01 11 10:45

Dr. Paul Vincent

0049 8322 987299

S.7

12 07 10 16:34

Dr. Paul Vincent

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S.2

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CLAIM AMENDMENTS:

1. (currently amended) A sample tube for holding a liquid NMR sample substance in an NMR probe head, the sample tube extending along a z axis and having an internal cavity that extends axially in a direction of the z axis, said internal cavity being open at an axially upper end thereof, and closed at an axially lower end thereof, wherein a cross-sectional surface of said cavity, which extends perpendicularly to the z axis and is parallel to an xy coordinate plane, has an elongated shape in a direction of an x axis and has maximum dimensions a in the y direction and b in the x direction, wherein $a < b$, a cross-section of an outer surface of the sample tube, which extends perpendicularly to the z axis and parallel to the xy coordinate plane having a circular shape, wherein said cavity has said elongated shape along the x axis only over a partial section L_z which is smaller than an overall length L of the sample tube, wherein said cavity has a circular cross-sectional surface and contains two precision shells of length L_z which are connected to an inner wall of the cavity and are preferentially positioned exactly diametrically opposite to each other, wherein each of the two precision shells has a shape which is defined along the length L_z by two surfaces subtending a periphery, namely a first cylindrical surface which preferentially has exactly the same curvature as an inner wall of the sample tube, and a second surface which is completely flat and extends parallel to an axis of said cylindrical surface, wherein two flat surfaces of said two precision shells are parallel to each other and define an approximately rectangular cavity in which the sample substance is completely or partially filled, wherein lower ends of said two precision shells are solidly connected to a round disk to prevent sample substance from entering into a space below said disk.

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2. (cancelled)
3. (cancelled)
4. (cancelled)
5. (original) The sample tube of claim 4, wherein connection between said two precision shells and a circular cross-sectional surface of said inner wall is obtained by melting.
6. (cancelled)
7. (original) The sample tube of claim 1, wherein a starting material for producing the sample tube is glass, a glass compound, pyrex, or quartz glass.
8. (original) The sample tube of claim 1, wherein upper and lower ends of a sample substance located in the sample tube are each closed by one susceptibility insert whose material has a magnetic susceptibility value which is approximately equal to that of the sample substance.
9. (original) The sample tube of claim 8, wherein positions of said susceptibility inserts relative to the sample tube are selected such that the sample substance is centered in the maximum field area of a B1 field during NMR measurement.
10. (original) The susceptibility insert for the sample tube of claim 8, the susceptibility insert consisting essentially of a material which is suited for sample substances having aqueous solvents, "PPS" (p-phenylene sulfide), or "ULTEM" (p-etherimide).

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Dr. Paul Vincent

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Dr. Paul Vincent

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11. (original) The susceptibility insert for the sample tube of claim 8, wherein the susceptibility insert has a length of one to two times an outer diameter of the sample tube and fits in a cross-section of the sample tube with play or with play of approximately 10µm.
12. (original) The susceptibility insert for the sample tube of claim 8, the susceptibility insert having an axially extending thread at one end for screwed engagement with an assembly bar.
13. (original) The susceptibility insert the sample tube of claim 12, wherein said assembly bar comprises "TEFLON" or "POM".



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DEC 16 2011

OFFICE OF PETITIONS

**KOHLER SCHMID MOEBUS
RUPPMANNSTRASSE 27
D-70565 STUTTGART DE GERMANY**

In re Application of :
Philippe STAUFFENEGGER et al. : ON PETITION
Application No. 11/603,882 :
Filed: November 24, 2006 :
Atty. Docket No.: P8824US :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 5, 2011, to revive the above-identified application.

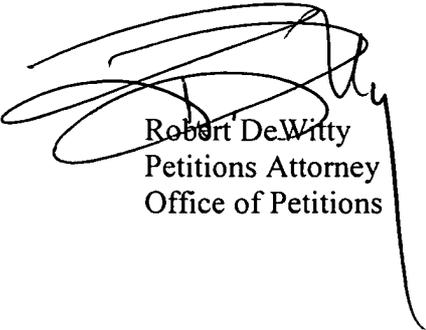
The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the final Office action mailed 12 April 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned July 13, 2010. A Notice of Abandonment was mailed 8 December 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 1772 for consideration of the submission filed with the reply.


Robert DeWitty
Petitions Attorney
Office of Petitions



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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
OCT 22 2010
OFFICE OF PETITIONS

In re Application of :
D' Ambrosio et al. :
Application No. 11/603,910 :
Filed: November 21, 2006 :
Attorney Docket No. 595212000100 :

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 October 8, 2010.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Peter J. Yim on behalf of all attorneys/agents of record who are associated with Customer Number 20872. All attorneys/agents associated with Customer Number 20872 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Frank J. D'Ambrosio, at the address indicated below.

There is an outstanding Office action, mailed May 24, 2010, which requires a reply. Failure to timely and properly do so will result in abandonment of the instant application.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: FRANK J. D'AMBROSIO
511 AVENUE OF THE AMERICAS - SUITE 530
NEW YORK NY 10011



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United States Patent and Trademark Office
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www.uspto.gov

E. DARLEEN BURNS-COX
519 ALDEN RD.
SELLERSBURG, IN 47172

MAILED

APR 04 2011

In re Application of
Edna Darleen Burns-Cox
Application No. 11/604,046
Filed: November 22, 2006
Attorney Docket No. EDLTC43

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition, filed March 2, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (Notice) mailed July 14, 2010, which set one (1) month, or thirty (30) days, whichever is longer, period for reply. A Notice of Abandonment was mailed on February 10, 2011.

Petitioner asserts that the Notice dated July 14, 2010 was not received.

Petitioner has provided a letter from the United States Postal Service stating "Mail for Ms. Cox at 519 Alden Road Sellersburg, In. 47172 was not delivered correctly for some unknown reason. We have investigated the problem, and determined that it was an error by the Postal Service that caused mail from your organization to be delayed."

In this regard, the Notice of Abandonment mailed February 10, 2011 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 3765 for re-mailing the Notice of July 14, 2010 and resetting the period for reply.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GORDON E. NELSON
PATENT ATTORNEY PC
57 CENTRAL STREET
P.O. BOX 782
ROWLEY, MA 01969

MAILED

NOV 26 2010

OFFICE OF PETITIONS

In re Application of :
Stephen John Vivian et al :
Application No. 11/604,064 : **DECISION ON PETITION**
Filed: November 24, 2006 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. ORACLE01.076 :

This is a decision on the petition filed May 13, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that

each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are 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 Irvin Dingle at (571) 272-3210.


David Bucci
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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February 10, 2011

Peter C. Mei
Vista IP Law Group, LLP
1885 Lundy Avenue, Suite 108
San Jose, CA 95131

Patent No. : 7,734,596 B2
Ser. No. : 11/604,064
Inventor(s) : Stephen John Vivian, et al.
Issued : June 8, 2010
Docket No. : OID 2005-080-01-CIP
Title : **AUTOMATIC FAILOVER CONFIGURATION WITH REDUNDANT ABSERVERS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt



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PATENT ATTORNEY PC
57 CENTRAL STREET
P.O. BOX 782
ROWLEY, MA 01969

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APR 05 2011
OFFICE OF PETITIONS

In re Application of :
Stephen John Vivian et al :
Application No. 11/604,064 : DECISION ON PETITION
Filed: November 24, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ORACLE01.076 :

This is a decision on the renewed petition filed December 3, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective

because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement are required.

The issue fee in this case was paid on April 26, 2010. As the patent has issued the submission of a certificate of correction (along with the \$100 fee) will be required as a condition for granting the petition under 37 C.F.R. § 1.78(a)(3).

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

By mail: Mail Stop PETITIONS
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 Alexandria, VA 22313-1450

By hand: Customer 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 Irvin Dingle at (571) 272-3210.


David Bucci
Petition Examiner
Office of Petitions



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

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Murphy et al.	:	DECISION ON PETITION
Application No. 11/604,075	:	TO WITHDRAW
Filed: November 22, 2006	:	FROM RECORD
Attorney Docket No. 43390-8022US01	:	

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 9, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

A review of the file record indicates that no Statement under 37 CFR 3.73(b) by the current assignee has been filed in the instant application, therefore the request cannot be approved.

Petitioner should note, pursuant to the Official Gazette: Change in Procedure for Requests to Withdraw from Representation in a Patent Application, any Requests filed after a patent has issued will be placed in the file but will generally not be treated on their merits. Sections 2540 and 2542 of the Manual of Patent Examining Procedure (MPEP) explain that a practitioner does not have to request permission to withdraw as practitioner of record under 37 CFR 1.36 in order to change the address in a patented file and to direct notices, receipts and other communications relating to maintenance fees. Sections 2540 and 2542 of the MPEP recommend the designation of a "fee address" or the submission of a change in the correspondence address in the patented file for directing correspondence relating to maintenance fee payments and other correspondences after issuance. See Form PTO/SB/47, entitled, "Fee Address" Indication Form and Form PTO/SB/123, entitled, Change of Correspondence Address, Patent. The change in practice in this notice applies to Requests filed on or after May 12, 2008.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions



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ZILKA-KOTAB, PC- NVIDIA
P.O. BOX 721120
SAN JOSE, CA 95172-1120

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APR 02 2012

OFFICE OF PETITIONS

In re Application of Leroy et al.	:	
Application No. 11/604,105	:	Decision According Status
Filed: November 22, 2006	:	Under 37 CFR 1.47(a)
Attorney Docket No. A455	:	
For: System, Method, and Computer	:	
Program Product for Saving Power	:	
in a Multi-Graphics Processor	:	
Environment	:	

This is a decision on the petition under 37 CFR 1.47(a) filed November 22, 2006.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 47(a) status.

As provided in Rule 47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Data Management will be informed of the instant decision and the application will be processed further upon receipt of the issue fee and publication fee.

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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OGILVY RENAULT LLP
1, PLACE VILLE MARIE
SUITE 2500
MONTREAL QC H3B 1R1 CA CANADA

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NOV 04 2010

OFFICE OF PETITIONS

In re Application of :
Aupretre Shan Michael, et al. :
Application No. 11/604,221 :
Filed: November 27, 2006 :
Attorney Docket No. 55427113-1US :

**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 September 21, 2010.

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 Christopher N. Hunter on behalf of all attorneys of record who are associated with customer No. 20988. All attorneys/agents associated with the Customer Number 20988 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.

There are no pending Office actions at the present time

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: SHAN MICHAEL AUPRETRE
91 HARLAND CRES.
AJAX, ON L1S 1K2
CANADA



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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
11/604,221	11/27/2006	Aupretre Shan Michael	55427113-1US

CONFIRMATION NO. 3578

POWER OF ATTORNEY NOTICE



20988
OGILVY RENAULT LLP
1, Place Ville Marie
SUITE 2500
MONTREAL, QC H3B 1R1
CANADA

Date Mailed: 10/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/21/2010.

- 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

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: H6808.0011/P011-A

Patent Number: 7,658,830

Filing Date (or 371(b) or (f) Date): 11-27-2006

Issue Date: 02-09-2010

First Named Inventor: Takayasu Furukawa

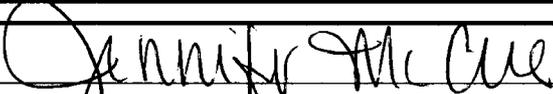
Title: CAPILLARY ARRAY AND ELECTROPHORESIS APPARATUS, AND METHODS

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature 

Date August 6, 2010

Name (Print/Typed) Jennifer M. McCue

Registration Number 55,440

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 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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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 08/13/2010

Applicant : Takayasu Furukawa : DECISION ON REQUEST FOR
Patent Number : 7658830 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/604,253 : OF WYETH AND NOTICE OF INTENT TO
Filed : 11/27/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **255** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/604,266 11/27/2006 Yoshimitsu Ebisawa 07906.0089 3145

7590 11/23/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

GUADALUPE, AIXA

ART UNIT PAPER NUMBER

2466

MAIL DATE DELIVERY MODE

11/23/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Nami James

Patent Publication Branch
Office of Data Management

NO. 450,266 11/27/2006 07906.0089 3145
EXAMINER: GUADALUPE, AIXA
ART UNIT: 2466
MAIL DATE: 11/23/2010
DELIVERY MODE: PAPER



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NIXON PEABODY LLP
401 Ninth Street, N.W.
Suite 900
WASHINGTON DC 20004

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Douglas Schmidt et al.
Application No. 11/604, 388
Filed: November 27, 2006
Attorney Docket No. 10-371-US (cbs032000)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22204 has been revoked by the applicants of the patent application on September 9, 2010. Accordingly, the request to withdraw under 37 CFR § 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 the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Reed Smith LLP
P.O. Box 488
Pittsburgh PA 15230



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/604,400	11/27/2006	Ancha Baranova	GMU-0029	2421
23599	7590	09/08/2010	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			DUNSTON, JENNIFER ANN	
			ART UNIT	PAPER NUMBER
			1636	
			NOTIFICATION DATE	DELIVERY MODE
			09/08/2010	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):

docketing@mwzb.com



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WHITEFORD, TAYLOR & PRESTON, LLP
Attn: Gregory M. Stone
Seven Saint Paul Street
Baltimore, MD 21202-1626

MAILED

SEP 08 2010

In re Application of
Nazir Mir
Application No. 11/604,606
Filed: November 27, 2006
Attorney Docket No. 079395/00002

OFFICE OF PETITIONS
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 August 9, 2010.

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 Gregory M. Stone 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 communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed July 16, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PERFTECH, INC.**
251 Airport Road
North Aurora, IL 60542



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/604,606	11/27/2006	Nazir Mir	079395/00002

CONFIRMATION NO. 3105

POWER OF ATTORNEY NOTICE



25223
WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

Date Mailed: 09/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2010.

- 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.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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L.C. Begin & Associates, PLLC
510 Highland Avenue
PMB 403
Milford MI 48381

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of :
Deborah L. Hordos :
Application No. 11/604628 : **DECISION ON**
Filing or 371(c) Date: 11/27/2006 : **PETITION**
Attorney Docket Number: 5702-01135 :

This is a decision in response to the petition under 37 CFR 1.137(a), filed April 25, 2011, to revive the above-identified application. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed May 22, 2009. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on August 22, 2009. A Notice of Abandonment was mailed April 22, 2009.

The present petition

Applicant files the present Petition and asserts that a timely reply to the Office action was filed on August 20, 2009, in the form of a Notice of Appeal and fee. Applicant further provides that an Appeal Brief and one (1) month extension of time and fee were mailed first class with U.S. Postal Service ("USPS) Delivery Confirmation Receipt. In support of this assertion, applicant files a copy of a receipt for postage, and a copy of a Track & Confirm from the USPS stating that Label/Receipt Number 0309 1830 0001 0317 9083 was delivered on November 25, 2009 in Alexandria, VA 22313.

Office records

A review of office records confirms that the Office received a Notice of Appeal and fee on August 20, 2009. Office records reveal that the Office did not receive an Appeal Brief.

Conclusion

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

Applicant has two (2) months from the mailing date of this Decision to file an appeal brief. Extensions of time are available under 37.CFR 1.136(a)¹. Accord, MPEP 1215.01

The petition fee has been refunded to Petitioner's credit card.

The application will be referred to Technology Center Art Unit 3616 for processing of the Notice of Appeal, and to await the filing of the Appeal Brief (or proof of applicant's compliance with 37 CFR 1.8 or 1.10).

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ Applicant may alternatively demonstrate compliance with 37 CFR 1.8 or 1.10 in filing of the Appeal Brief.



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NOV 07 2011

OFFICE OF PETITIONS

**SUGHRUE 265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON DC 20037-3213**

In re Application of :
Akoyhoshi Kato et al :
Application No. 11/604,760 : DECISION ON PETITION
Filed: November 28, 2006 : UNDER 37 CFR 1.313(c)
Attorney Docket No. Q97832 :

This is a decision on the petition under 37 CFR 1.313(c), filed November 3, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 1771 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
Gedaliahu Finezilber : DECISION ON PETITION
Application No. 11/604,831 : TO WITHDRAW
Filed: October 16, 2007 : FROM RECORD
Attorney Docket No. NICH-006 :

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 3, 2010.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Martin D. Moynihan, on behalf of all practitioners of record.

Martin D. Moynihan has been withdrawn as attorney of record. 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.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: FINEZILBER GEDALIAHU
489B TAYLOR AVENUE
EAST BRUNSWICK, NJ 08816



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/604,831	11/28/2006	Gedaliahu Finezilber	32919

67801
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

CONFIRMATION NO. 3764
POWER OF ATTORNEY NOTICE



Date Mailed: 09/24/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/03/2010.

- 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.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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R. MARTIN OLIVERAS
18 BROOKLAKE ROAD
FLORHAM PARK, NJ 07932

MAILED

SEP 10 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
R. Martin Oliveras
Application No. 11/604,933
Filed: November 29, 2006
Attorney Docket No. N/A

:
:
:
:
:

This is a decision on the petition under 37 CFR 1.137(a), filed April 2, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to respond to the non-final Office action mailed December 3, 2008. A Notice of Abandonment was mailed on June 12, 2009.

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 item (3) above.

With regard to item (3), the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 151 and 37 CFR 1.137(a). See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay. 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, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.

Petitioner states, "IN THE YEAR 2009 OUR FAMILY FACED SEVERE FINANCIAL HARDSHIP. I AM A GENERAL PRACTICE ATTORNEY IN NEW JERSEY. I AM ALSO A REGISTERED PATENT ATTORNEY IN PART-TIME PRACTICE."

The record discloses that petitioner is a registered attorney before the Office; however, is prosecuting his own application. As patent applications are commonly prosecuted *pro se* and the fact that the Office action mailed December 3, 2008 did not require any fees, an argument regarding a financial hardship in the prosecution of an application does not render the abandonment unavoidable. Therefore, petitioner's argument is unpersuasive.

Petitioner further asserts, "AT THE TIME THAT I RECEIVED THIS REJECTION LETTER I WAS IN NO POSITIOIN TO TAKE TIME OFF FROM MY REGULAR WORK IN ORDER TO PREPARE A PROPER RESPONSE IN THIS MATTER. ALSO, THEREAFTER I WAS CONFRONTED BY A VERY DIFFICULT SITUATION IN THAT ONE OF MY ESTABLISHED PATENT CLIENTS FELL VERY ILL AND COULD NOT PAY ME FOR PAST WORK AND PENDING WORK. IN ANY CASE, I TOOK IT UPON MYSELF TO DEDICATE NUMEROUS HOURS TO PREPARE TWO AMENDMENT RESPONSES ON HIS BEHALF..." "ALSO, OUR FAMILY HAS HAD TO FACE MULTIPLE HEALTH CHALLENGES. FIRSTLY, I HAVE NOT BEEN WELL FOR SEVERAL YEARS DUE TO DIABETES, HIGH BLOOD PRESSURE, HIGH CHOLESTEROL AND ABDOMINAL PROBLEMS..."

While the Office is sympathetic to petitioner's circumstances, these reasons do not constitute unavoidable delay. Petitioner's preoccupation with other matters which took precedence over responding to the USPTO in this case within the set time period does not constitute unavoidable delay within the meaning of 37 CFR 1.137(a). Additionally, as to the health problems, petitioner will have to provide documentation from a licensed health care provider, demonstrating the nature and extent of petitioner's incapacitation, in such a manner that petitioner was, from the date of December 3, 2008 until the filing of the petition on April 2, 2010, "unavoidably" prevented petitioner from taking any earlier action with respect to this application.

Petitioner must state how he manages to conduct his daily personal and business affairs, including scheduling and settlement of short and long term debts and business obligations, bills, rent or mortgage payments, income taxes etc., during the time in question¹. Petitioner must demonstrate that **his** health problem was the cause in not timely responding to the Office action of December 3, 2008.

¹ 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.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982).

Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petitioner is strongly urged to file a petition under the unintentional provisions of 37 CFR 1.137(b) which does not require a showing of the delay in timely responding to the Office action mailed December 3, 2008. An unintentional” petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee².

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).

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.” This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

² For a petition under 37 CFR 1.137(b), see the USPTO website for Form No. PTO/SB/64.

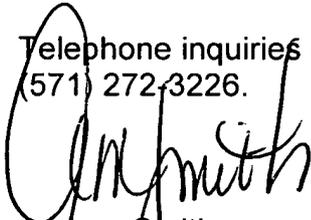
Further correspondence with respect to this matter should be addressed as follows:

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 Andrea Smith at
(571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



David Bucci
Petitions Examiner



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,072	11/28/2006	Kyle Alden Stoops	ELK01 P-310A	4351
28101	7590	04/20/2011	EXAMINER	
VAN DYKE, GARDNER, LINN & BURKHART, LLP			KIM, CHRISTOPHER S	
SUITE 207			ART UNIT	PAPER NUMBER
2851 CHARLEVOIX DRIVE, S.E.			3752	
GRAND RAPIDS, MI 49546			MAIL DATE	DELIVERY MODE
			04/20/2011	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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VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

In re Application of:
STOOPS, KYLE ALDEN et al :
Appl. No.: 11/605,072 : DECISION ON PETITION
Filed: Nov. 28, 2006 :
Attorney Docket No. ELK01 P-310A :
For: FOAM EDUCTOR :

This is a decision on the petition filed on March 14, 2011 by which petitioners request supervisory review and withdrawal of the finality of the Office action dated January 14, 2011. The petition is considered pursuant to 37 CFR § 1.181, and no fee is required.

The petition is dismissed.

A review of the relevant prosecution history shows that the applicant filed a RCE on December 29, 2010 with amendment to claims 1, 3, 5-8, 11, 14-17, 19 and 26-27. The RCE was properly filed in accordance with the 37 CFR § 1.114 and MPEP § 706.07(h). On January 14, 2011, the examiner issued a first Office action final rejection to the RCE. The examiner finally rejected all elected pending claims 1, 3, 5-7, 11, 14-16, 19 and 26-27 under 35 U.S.C. §102 as anticipated by Bishop (US Pat. 5,356,076) and Mitchison (U.S. Pat. 2,737,413). The examiner also rejected claims 14-16 under 35 USC 103(a) as unpatentable over Mitchison (U.S. Pat. 2,737,413).

On March 14, 2011, the petitioner filed the current petition requesting supervisory review of the propriety of the final rejection and withdrawal of the finality of the office action dated January 14, 2011 pursuant to MPEP § 706.07(b). The petitioner is of the opinion that the first Office action final rejection of January 14, 2011 was improper under MPEP § 706.07(b) because not all amended claims of December 29, 2010 is drawn to the same invention. The amendment was in response to the examiner's comments in the previous Office action of June 29, 2010. Therefore, petitioner opines that the amended claims could not be rejected on the same grounds in the next Office action. Petitioner also questions the propriety of the rejection because the examiner failed to address the new limitations.

It is noted that the amended claims 1, 3, 5-7, 11, 14-16, 19 and 26-27 include the amended features as to "fire fighting foam eductor". On January 14, 2011, the Examiner issued a first Office action that was made final. On pages 3-5 of the final rejection of January 14, 2011, the examiner provided detailed explanation as how the claims are anticipated by the prior art references. In the Response to Arguments, the examiner also stated that the added "fire fighting" to the preamble of the claims is only directed to an intended use. The preamble does not constitute a positively recited structural limitation.

Analysis of Application Record

In the earlier final rejection of June 29, 2010, claims 1, 3, 5-7, 11, 19 and 26-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bishop patent. Claims 1, 3, 6-7, 11, 19 and 26-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mitchison patent. In response to the final rejection of June 29, 2010, on December 29, 2010 the applicant filed the current RCE with an amendment to amend all independent claims and many dependent claims. Apparently, the claims as amended in the amendment of December 29, 2010 fail to structurally define over the prior art references. The first Office action final rejection was issued on January 14, 2011. This final rejection is based on the same prior art references under the same applicable statutes of 35 USC § 102 and §103 with the contents substantially the same as the previous final rejection mailed June 29, 2010.

Petitioner opines that the amendment would not have been properly finally rejected on the grounds and art of record in the next Office action because the applicant believes that not all amended claims are directed to the same invention. Therefore, the claims cannot be rejected on the same grounds. Petitioner also questions the propriety of the rejection of the claims because the examiner failed to address the added limitations. The amended claims are distinguishable over the prior art references. The record shows that the examiner has determined that the December 29, 2010 amendment did not add any limitations which directed to a new invention but merely changed the scope of what was previously claimed. In the final Office action of January 14, 2011, the examiner also considered the limitations of amended claims of December 29, 2010 and determined that the amended claims remain unpatentable for the same grounds of rejection under 35 USC § 102 and §103 over the same prior art references. In particular, in the January 14, 2011 final rejection, the examiner stated the claims of the amendment of December 29, 2010 that were filed in connection with the December 29, 2010 RCE were drawn to the same invention as previously claimed and could have been finally rejected on the same grounds and art of record of the next Office action if they had been entered in the earlier application. A comparison of the claims filed on December 29, 2010 and the amended claims of June 10, 2010 clearly shows the amendments to the claims are drawn to the same invention. The only substantial difference is that the amendment of December 29, 2010 slightly varies the scope of claims 1 and 11. The added limitations regarding "fire-fighting" in the preamble of the claims are merely further define the intended use as stated in the final Office action of January 14, 2011. Thus, the examiner issued a final rejection after RCE based on the same grounds of rejection over the prior art references of record pursuant to MPEP 706.07(b)¹. The first action final rejection is proper.

¹ MPEP 706.07(b), paragraph 2 states: >The claims of an application for which a request for continued examination (RCE) has been filed may be finally rejected in the action immediately subsequent to the filing of the RCE (with a

Petitioner questions the propriety of the examiner's rejection of the claims regarding the added limitations. The disagreement with the examiner's position and the interpretation of the claim limitations as set forth in the petition is clearly appealable and not petitionable matters. As such, the petition will not be decided by this decision under 37 CFR § 1.181(a) (1)². The issue presented here by petitioner is clearly directed to the propriety of the examiner's rejection of the claims under 35 U.S.C. § 102 and s 103. The question of whether claims 1, 3, 5-7, 11, 14-16, 19 and 26-27 should be rejected under 35 U.S.C. § 102 and § 103 or not is an appealable issue under 37 CFR 41.31(a) (1). After the review of the final Office action of January 14, 2011, the examiner's Office action does comply with the USPTO rules and regulations. The Office action of January 14, 2011 stands. Petitioner is reminded that the period to respond to the outstanding final Office action remains unchanged.

Decision

Based on the analysis of record, when the examiner promulgated the first Office action final rejection of January 14, 2011, the conditions set forth in MPEP § 706.07(b) were met. In particular, the amended claims in the amendment of December 29, 2010, in fact, are directed to the same invention as the claims in the earlier amendment filed on June 10, 2010 as indicated by the scope of the claims and the contents of the rejections. The claims in the amendment of December 29, 2010 would have been properly finally rejected on the same grounds and art of record in the next Office action if they had been filed earlier. Therefore, under MPEP § 706.07(b) the first action final rejection of January 14, 2011 is proper.

For the foregoing reasons it appears that the examiner did not abuse his discretion, or act in an arbitrary or capricious manner, in making the January 14, 2011 Office action final. Therefore, there is no basis for granting any of the relief requested.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3752 awaiting a response to the outstanding Office action mailed on January 14, 2011. Petitioner may file a request for reconsideration of this decision, without fee. However, such request must be filed within two months of the date of this decision. See 37 CFR § 1.181(f). The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted.

Should petitioner have any further questions, he is invited to contact Henry Yuen, TC 3700 SPRE, at 571-272-4856.

submission and fee under 37 CFR 1.114) where all the claims in the application after the entry of the submission under 37 CFR 1.114 (A) are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114, and (B) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to the filing of the RCE under 37 CFR 1.114.<

² 37 CFR § 1.181 Petition to the Director. (a) Petition may be taken to the Director: (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

The petition is DISMISSED.



Donald T. Hajec, Director
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: BINDER=8F

In re Patent of:	)	Conf. No.:	5353
)		
Yehuda BINDER	)	Art Unit:	2416
)		
U.S. Patent No. 7,636,373	)	Washington, D.C.	
)		
Issued: December 22, 2009	)	October 14, 2010	
)		
For: NETWORK COMBINING WIRED	)	Attn: Certificate of	
AND NON-WIRED SEGMENTS	)	Correction Division	

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.323

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Post Issue
401 Dulany Street
Alexandria, VA 22314

APPROVED.
T.H.10/29/2010

Sir:

In checking over the printed copy of the above-identified patent, we have found the following error that is not the fault of the Patent and Trademark Office. It is respectfully requested that this error be corrected in accordance with 37 CFR §1.323. The error to be corrected is listed below.

When the change is considered, it will be clear that the error is of a typographical or clerical error in nature and/or of minor character, which occurred in good faith. Correction thereof does not involve such a change in the patent

In re of U.S. Patent No. 7,636,373

as would constitute "new matter" or would require reexamination.

On the cover of the issued patent, at item (63), it reads "Continuation of application No. 09/552,564, filed on Apr. 19, 2000, now Pat. No. 6,842,459." This statement is incomplete and, to that extent, is inaccurate. It should read "Continuation of U.S. Application No. 10/998,015, filed on November 29, 2004; which is a continuation of U.S. Application No. 10/890,199, filed on July 14, 2004; which is a continuation of U.S. Application No. 09/552,564, filed on April 19, 2000, now U.S. Patent No. 6,842,459, issued: January 11, 2005." The attached certificate of correction effects this correction.

The claim for benefit was properly set forth in the first paragraph of the specification when the application was filed on November 29, 2006, in compliance with 37 CFR §1.78(a)(2)(iii). However, the transmittal letter and application data sheet filed with the application were incomplete, due to clerical error, and were obviously erroneous as they only referred to an application that was not pending at the time of filing of this continuation. Due to this inadvertent clerical error, these documents did not refer to the other applications in the chain of applications from which this application claims priority under 35 U.S.C. §120. Therefore, the information on the first page of the

In re of U.S. Patent No. 7,636,373

specification clearly lists the correct benefit information and was intended to have appeared on the cover page of the patent.

The present proposed change will require no additional examination on the part of the examiner as the correction is merely the correction of a clerical error. The change merely confirms the information submitted during the prosecution of the application and does not add new matter.

Attached please also find a credit card authorization in the amount of \$100.00 to cover the appropriate fee for corrections under 37 CFR §1.323. If insufficient fees are specifically authorized, please charge same to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /rlb/
Roger L. Browdy
Registration No. 25,618

RLB:jhw

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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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.
11/605,336	11/29/2006	Yehuda Binder	BINDER=8F	5353
1444	7590	11/10/2010	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			HOANG, THAI D	
			ART UNIT	PAPER NUMBER
			2416	
			MAIL DATE	DELIVERY MODE
			11/10/2010	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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101029

DATE : October 29, 2010

TO SPE OF : ART UNIT 2463

SUBJECT : Request for Certificate of Correction on Patent No.: 7636373

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2463

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,636,373
APPLICATION NO.: 11/605,336
ISSUE DATE : December 22, 2009
INVENTOR(S) : Yehuda Binder

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At Section (63) Foreign Application Priority Data, delete "Continuation of application No. 09/552,564, filed on Apr. 19, 2000, now Pat. No. 6,842,459.", and insert --Continuation of U.S. Application No. 10/998,015, filed on November 29, 2004; which is a continuation of U.S. Application No. 10/890,199, filed on July 14, 2004; which is a continuation of U.S. Application No. 09/552,564, filed on April 19, 2000, now U.S. Patent No. 6,842,459, issued: January 11, 2005.--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH Street N.W. Suite 300
Washington, D.C. 20001-5303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 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: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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



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2318 Mill Road, Suite 1010
Alexandria VA 22314

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SEP 24 2010

OFFICE OF PETITIONS

In re Application of

Ogawa

Application No. 11/605,356

Filed: November 29, 2006

Attorney Docket No. 06-51166

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed September 2, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$1510.00 and publication fee of \$300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed June 1, 2010. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on September 2, 2010. A Notice of Abandonment was mailed on September 9, 2010.

The issue fee and publication fee were received on September 2, 2010.

Form PTOL-85B, filed September 2, 2010, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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ZILKA-KOTAB, PC
PO BOX 721120
SAN JOSE, CA 95172-1120

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of
Richard Morrey
Application No. 11/605,369
Filed: November 29, 2006
Attorney Docket No. NA11P677/06.075.01

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 February 25, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Zilka-Kotab, PC has been revoked by the assignee of the patent application on March 2, 2011. 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.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
PO BOX 1497
MADISON WI 53701-1497

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of :
Bunimov, et al. :
Application No. 11/605,486 : ON REQUEST FOR
Filed: November 29, 2006 : RECONSIDERATION OF
Attorney Docket Number: 088245-6812 : PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed March 10, 2011. Applicants believe that the PTA should be adjusted from seven hundred thirty-nine (739) days to one thousand, one hundred ninety-five (1195) days. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment solely as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

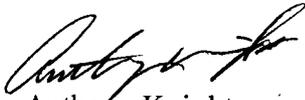
Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

In view thereof, the correct determination of PTA prior to issuance is **seven hundred thirty-nine (739) days**.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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ROOM 2A-207
ONE AT & T WAY
BEDMINSTER NJ 07921

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DEC 14 2011

OFFICE OF PETITIONS

In re Application of :
Bennett, et al. :
Application No. 11/605,675 : DECISION ON PETITION
Filed: November 29, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1033-A00510 CON1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 2, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be

construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2614 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/605,675, 11/29/2006, 2614, 1000, 1033-A00510 CON1, 20, 2

CONFIRMATION NO. 6028

CORRECTED FILING RECEIPT



84326
AT & T LEGAL DEPARTMENT - Toler
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER, NJ 07921

Date Mailed: 12/13/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Raymond Walden Bennett III, Naperville, IL;
John Roland Beardsley, Rolling Meadows, IL;

Assignment For Published Patent Application

SBC Knowledge Ventures L.P., Reno, NV

Power of Attorney: The patent practitioners associated with Customer Number 60533

Domestic Priority data as claimed by applicant

This application is a CON of 10/017,989 12/06/2001 PAT 7167543
which is a CON of 09/366,359 08/03/1999 PAT 6370233

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 12/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/605,675

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SECURITY SYSTEM WITH CALL MANAGEMENT FUNCTIONALITY

Preliminary Class

379

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

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NOV 04 2010

OFFICE OF PETITIONS

In re Application of :
Sheppard :
Application No. 11/605,742 : ON PETITION
Filed: November 29, 2006 :
Attorney Docket No. 50058310-0015 :
For: CRIMP-ON TRANSITION FITTING :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 16, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the non-final Office action, mailed September 25, 2009, which set an extendable three month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on December 26, 2009. A Notice of Abandonment was mailed on April 12, 2010.

Applicant has submitted an amendment in reply to the September 25, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 25, 2009 non-final Office action, and the \$1,620.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

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

After the mailing of this decision, the application will be returned to Technology Center AU 3679 for consideration of the amendment filed on September 23, 2010.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO IL 60606-1080



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
Timothy W. JAMES, et al. :
Application No. 11/605,804 : **DECISION GRANTING PETITION**
Filed: November 27, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **7952P004** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 26, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 24, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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STMICROELECTRONICS, INC.
MAIL STATION 2346
750 CANYON DRIVE, SUITE 300
COPPELL TX 75019

In re Patent No. 7,954,017
Issued: May 31, 2011
Application No. 11/605,833
Filed: November 28, 2006
Dkt. No.: 05-IND-199

: DECISION ON PATENT TERM
: ADJUSTMENT and NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed on June 3, 2011 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 933 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by 933 days is **GRANTED**.

The Office acknowledges the submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 933 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Patent No. 7,954,017

Page 2

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Adviser
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,954,017

DATED : May 31, 2011

DRAFT

INVENTOR(S) : Kashyap, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 848 days

Delete the phrase "by 848 days" and insert -- by 933 days--



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In re Patent of Francois Roy et al.	:	DECISION ON REQUEST
Patent No. 7,728,278	:	FOR RECONSIDERATION OF
Issue Date: June 1, 2010	:	PATENT TERM ADJUSTMENT
Application No. 11/605,847	:	AND NOTICE OF INTENT TO
Filing Date: November 28, 2006	:	ISSUE CERTIFICATE OF
Attorney Docket No. 05-GR1-05073	:	CORRECTION

This is a decision on the petition filed June 7, 2010, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by two hundred twenty (220) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by two hundred twenty (220) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **two hundred twenty (220) days**.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,728,278 B2
APPLICATION NO. : 11/605,847
DATED : June 1, 2010
INVENTOR(S) : Francois Roy et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 83 days.

Delete the phrase "by 83 days" and insert -- by 220 days--



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THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of :
Hyde et al. :
Application No. 11/605,848 : ON APPLICATION FOR
Filed: November 28, 2006 : PATENT TERM ADJUSTMENT
Docket No. 0806-032-002-000000 :

This is in response to the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION PURSUANT TO 37 C.F.R. 1.705(b)," filed September 14, 2010. Applicants submit that the patent term adjustment to be indicated on the patent is three hundred seventy-nine (379) days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The request for review of the determination of patent term adjustment (PTA) is **granted to the extent indicated herein.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **two hundred ninety-three (293) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 14, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment is 0 days. On September 14, 2010, applicants submitted the instant petition. Applicants explicitly dispute the length of reduction pursuant to 37 CFR 1.702(a)(1) for Office delay in mailing at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed and impliedly dispute the reduction of 571 days for the filing of an Information Disclosure Statement (IDS) on October 20, 2008. In addition, applicants disclose that they

believe that the patent term adjustment should be recalculated in light of two information disclosure statements (IDSs), filed January 5, 2010 and February 25, 2010.

Applicants state that the application is not subject to any terminal disclaimers.

Applicants argue pursuant to 37 CFR 1.702(a)(1), the Office should be charged with a 554 day adjustment for the failure to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed. The application was filed on November 28, 2006. On March 9, 2009, the Office mailed a restriction requirement. Applicants argue that the first notification under 35 U.S.C. 132 was the non-final Office action mailed on August 4, 2009, not the restriction requirement mailed on March 9, 2009.

Applicants are informed that a restriction requirement is an Office action issued as a result of examination conducted pursuant to 35 U.S.C. 131, and as such, it is a notification under 35 U.S.C. 132. Therefore, the first action on the merits was mailed on March 9, 2009. The Office was properly charged a 406 day adjustment pursuant to 37 CFR 1.702(a)(1), beginning on January 29, 2008, the day after 14 months after the application was filed, and ending on March 9, 2009, the date the restriction requirement was mailed.

The October 20, 2008 IDS should not be considered a supplemental paper. The October 20, 2008 IDS was filed **before** the mailing date of the first Office action on the merits and is therefore not a supplemental reply. The IDS was not filed under circumstances that constitute a failure to engage in reasonable efforts to conclude examination of the examination. Accordingly, no reduction pursuant to 1.704(c)(8) was warranted. The reduction of 571 days will be removed.

The Office concurs with applicants that that the Office should have entered reductions for the two IDSs filed on January 5, 2010 and February 25, 2010. After applicants filed a reply on November 4, 2009 to a non-final Office action, applicants submitted a supplemental reply or paper in the form of an Information Disclosure Statement (IDS) on January 5, 2010. The record does not support a conclusion that the examiner expressly requested the filing of the IDS. Further, a review of the IDS, filed January 5, 2010, reveals that applicants did not include a

statement under 37 CFR 1.704(d).¹ Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by 62 days pursuant to 37 CFR 1.704(c)(8), counting the number of days beginning on the day after the date the initial reply was filed, November 5, 2009, and ending on the date that the IDS was filed, January 5, 2010. Accordingly, a period of reduction of 62 days will be entered.

On February 25, 2010, applicants filed another IDS. Applicants assert this period of reduction, pursuant to 37 CFR 1.704(c)(8) should be 113 days. However, the length of the reduction is 51 days. Applicants have already been charged with a 62 day reduction for the IDS filed on January 5, 2010. Therefore, the calculation of delay for the IDS filed on February 25, 2010 begins on January 6, 2010 and ends on February 25, 2010. Calculating the delay as applicants assert would result in applicants being charged twice for delay on the same day.

Total Applicant delay is 113 days (62 + 51).

In view thereof, the correct patent term adjustment at the time of mailing of the notice of allowance is **two hundred ninety-three (293) days** (406 days of Office delay - 113 days of applicant delay).

The Office acknowledges receipt of the required \$200.00 fee under 37 CFR 1.18(e) is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified in the

¹ Pursuant to 37 CFR § 1.704(d):

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR screen



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11/605,848 METHOD AND SYSTEM FOR PROVIDING FUEL IN A NUCLEAR REACTOR									
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Patent Term Adjustment

Filing or 371(c) Date:	11-28-2006	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	406
A Delays:	406	PTO Manual Adjustments:	458
B Delays:	0	Applicant Delays:	571
C Delays:	0	Total PTA Adjustments:	293

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
108	11-19-2010	Adjustment of PTA Calculation by PTO	458		0
96	06-14-2010	Mail Notice of Allowance			0
95	06-12-2010	Notice of Allowance Data Verification Completed			0
94	06-12-2010	Issue Revision Completed			0
93	06-12-2010	Document Verification			0
92	06-08-2010	Allowed Case Returned to the Examiner for Clerical Processing			0
91	06-03-2010	Examiner's Amendment Communication			0
90	06-03-2010	Notice of Allowability			0
83	03-08-2010	Information Disclosure Statement considered			0
81	05-05-2010	Date Forwarded to Examiner			0
80	04-28-2010	Amendment after Final Rejection			0
79	04-21-2010	Mail Examiner Interview Summary (PTOL - 413)			0
78	04-14-2010	Examiner Interview Summary Record (PTOL - 413)			0
77	03-08-2010	Information Disclosure Statement (IDS) Filed			0
76	03-08-2010	Reference capture on IDS			0
75	02-25-2010	Reference capture on IDS			0
74	02-25-2010	Information Disclosure Statement (IDS) Filed			0
73	03-08-2010	Information Disclosure Statement (IDS) Filed			0
72	03-03-2010	Mail Final Rejection (PTOL - 326)			0
71	03-01-2010	Final Rejection			0
70	02-25-2010	Information Disclosure Statement considered			0
69	02-25-2010	Information Disclosure Statement (IDS) Filed			0
66	01-05-2010	Information Disclosure Statement considered			0

65	10-07-2009	Information Disclosure Statement considered		0
64	01-05-2010	Information Disclosure Statement (IDS) Filed		0
63	01-05-2010	Reference capture on IDS		0
62	01-05-2010	Information Disclosure Statement (IDS) Filed		0
61	10-07-2009	Reference capture on IDS		0
60	10-07-2009	Information Disclosure Statement (IDS) Filed		0
59	11-04-2009	New or Additional Drawing Filed		0
58	11-07-2009	Date Forwarded to Examiner		0
57	11-04-2009	Response after Non-Final Action		0
56	10-30-2009	Mail Examiner Interview Summary (PTOL - 413)		0
55	10-26-2009	Examiner Interview Summary Record (PTOL - 413)		0
54	10-07-2009	Information Disclosure Statement (IDS) Filed		0
53	08-04-2009	Mail Non-Final Rejection		0
52	08-03-2009	Non-Final Rejection		0
45	10-20-2008	Information Disclosure Statement considered		0
44	12-13-2007	Information Disclosure Statement considered		0
43	12-18-2006	Information Disclosure Statement considered		0
42	11-28-2006	Information Disclosure Statement considered		0
41	05-24-2009	Date Forwarded to Examiner		0
40	04-13-2009	Response to Election / Restriction Filed		0
39	03-09-2009	Mail Restriction Requirement	406	-1
38	03-04-2009	Requirement for Restriction / Election		0
37	10-20-2008	Reference capture on IDS		0
36	10-20-2008	Information Disclosure Statement (IDS) Filed	571	21
35	12-05-2008	Preliminary Amendment		0
34	12-05-2008	Substitute Specification Filed		0
33	12-09-2008	Case Docketed to Examiner in GAU		0
32	10-20-2008	Information Disclosure Statement (IDS) Filed		0
31	05-29-2008	PG-Pub Issue Notification		0
30	12-13-2007	Information Disclosure Statement (IDS) Filed		0
29	12-13-2007	Information Disclosure Statement (IDS) Filed		0
28	10-17-2007	Withdraw Flagged for 5/25		0
27	10-17-2007	Withdraw Flagged for 5/25		0
26	10-15-2007	Flagged for 5/25		0

25	10-15-2007	Flagged for 5/25	0
24	06-07-2007	Receipt of all Acknowledgement Letters	0
23	06-07-2007	Receipt of Acknowledgment Letter	0
22	05-08-2007	Case Docketed to Examiner in GAU	0
21	03-29-2007	Applicant response received	0
20	03-26-2007	Case Docketed to Examiner in GAU	0
19	02-21-2007	Preliminary Amendment	0
18	03-01-2007	Request for Applicant Statement Regarding Potential DOE Interest (45-Day Letter) Mailed	0
17	02-21-2007	IFW TSS Processing by Tech Center Complete	0
15.7	12-18-2006	Information Disclosure Statement (IDS) Filed	0
15	12-18-2006	Information Disclosure Statement (IDS) Filed	0
14.7	11-28-2006	Information Disclosure Statement (IDS) Filed	0
14	11-28-2006	Information Disclosure Statement (IDS) Filed	0
13	11-28-2006	Preliminary Amendment	0
12	02-06-2007	Application Dispatched from OIPE	0
11	02-06-2007	Application Is Now Complete	0
10	01-29-2007	Payment of additional filing fee/Preexam	0
9	01-29-2007	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	0
8	01-16-2007	Notice Mailed--Application Incomplete--Filing Date Assigned	0
6	01-10-2007	Agency Referral Letter Mailed	0
5	01-09-2007	Referred for DOE Property Rights review by L&R LARS	0
4	01-09-2007	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	0
3	12-11-2006	Referred to Level 2 (LARS) by OIPE CSR	0
2	12-05-2006	IFW Scan & PACR Auto Security Review	0
1	11-28-2006	Initial Exam Team nn	0

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**Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110**

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Michael Bronstein et al. :
Application No. 11/605,946 :
Filed: November 29,2006 :
Attorney Docket No. **NOVA-01300** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 2, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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**Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110**

**MAILED
FEB 28 2011
OFFICE OF PETITIONS**

In re Application of :
Michael Bronstein et al. : DECISION ON PETITION
Application No. 11/605,946 : TO WITHDRAW
Filed: November 29,2006 : FROM RECORD
Attorney Docket No. **NOVA-01300** :

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed January 25, 2011.

The request is **NOT APPROVED**.

Petitioner still has not met the requirements to withdraw as attorney of record. The request cannot be approved because as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

As stated in the previous decision of December 20, 2010, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant

to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

I will also like to bring to petitioner attention that the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed August 22, 2008.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 08/03/2010

Applicant : Takayuki Iwaki : DECISION ON REQUEST FOR
Patent Number : 7642155 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/606,034 : OF WYETH AND NOTICE OF INTENT TO
Filed : 11/30/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **73** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: MOST3001AH/C/JEK	Patent Number: 7665266
Filing Date (or 371(b) or (f) Date): 2006-11-30	Issue Date: 2010-02-23
First Named Inventor: Stefan Simon Gustaaf Moriau	
Title: FLOOR PANELS WITH EDGE CONNECTORS	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /ThomasJMoore/	Date 2010-08-20
Name (Print/Typed) Thomas J. Moore	Registration Number 28974
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 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.

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.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 09/08/2010

Applicant : Stefan Simon Gustaaf Moriau : DECISION ON REQUEST FOR
Patent Number : 7665266 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/606,107 : OF WYETH AND NOTICE OF INTENT TO
Filed : 11/30/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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February 14, 2012

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

In re Application of :
Tsunenori Arai et al. : **DECISION ON PETITION**
Application No. 11606155 :
Filed: 11/30/2006 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 1254-0332PUS1 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 30, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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**GOWLING LAFLEUR HENDERSON LLP
SUITE 1600, 1 FIRST CANADIAN PLACE
100 KING STREET WEST
TORONTO ON M5X 1G5 CA CANADA**

**MAILED
JUN 20 2011
OFFICE OF PETITIONS**

In re Application of :
William WRIGHT et al. :
Application No. 11/606,161 : **DECISION ON PETITION**
Filed: November 30, 2006 :
Attorney Docket No. T8468472US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to Notice of Non-Compliant Amendment mailed, April 13, 2010, which set a one (1) month time period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Non-Compliant Amendment of April 13, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2178 for appropriate action by the Examiner in the normal course of business on the reply received

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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

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SEP 08 2010
OFFICE OF PETITIONS

In re Patent No. 7,566,936 :
Issue Date: July 28, 2009 :
Application No. 11/606,181 : **DECISION ON PETITION**
Filed: November 30, 2006 :
Attorney Docket No. 07043.0030-01 :

This is a decision on the Renewed Request For Certificate Of Correction, filed January 21, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to accept the omission of the second assignee's name. A completed Certificate of Correction Form was submitted with Petition.

The petition under 37 CFR 3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the omission of the second assignee's name on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,566,936
Application No. 11/606,181
Decision on Petition under 37 CFR 3.81

Page 2

The requisite \$100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form that accompanied the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,566,936.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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THORPE NORTH & WESTERN, LLP
P.O. BOX 1219
SANDY UT 84091-1219

MAILED

FEB 24 2012

OFFICE OF PETITIONS

In re Application of :
Chien-Min Sung :
Application No. 11/606,365 :
Filed: November 27, 2006 :
Attorney Docket No. 00802-23887 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed December 8, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 31, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (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 of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of May 31, 2012 accompanies this decision on petition.

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

This application is being referred to the Office of Data Management for further processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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
11/606,365	11/27/2006	Chien-Min Sung	00802-23887

20551
THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

**CONFIRMATION NO. 5821
NONPUBLICATION RESCISSION
LETTER**



Date Mailed: 02/22/2012

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 05/31/2012.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/606,390	11/30/2006	Hiroki Ooi	1344.1188	5893
21171	7590	07/22/2011	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LIU, LI	
			ART UNIT	PAPER NUMBER
			2613	
			MAIL DATE	DELIVERY MODE
			07/22/2011	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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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Application No.: 11606390 :
Filed: 11/30/2006 : **DECISION ON PETITION**
Patent Number: 7,925,171 :
Issue Date: 04/12/11 :
Attorney Docket No. **1344.1188** :

This is a decision on the Petition filed under 37 CFR 1.181 received in the United States Patent and Trademark Office (USPTO) on July 13, 2011. Petitioner seeks relief from filing a Petition for Duplicate Letters Patent in this application due to the non-receipt of a large number of Patent Grants in the April 12, 2011 issue.

The Petition is **GRANTED**.

Petitioner submitted a statement that the Patent Grant was not received at the correspondence address of record; that a search of records did not indicate receipt; and that the docketing system is sufficiently reliable. Petitioner filed a copy of the docketing records showing receipts dates and application history as evidence.

Therefore, the Office of Data Management will provide one additional Original Letters Patent for this application.

Telephone inquiries relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Patent Publication Branch



STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of

BRONSTEIN, Alexander et al.
Application No. 11/606,401
Filed: November 29, 2006
Attorney Docket No. **NOVA-01400**

:
:
:
:
:
:
:

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 December 02, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R. 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R. 3.71, who has properly intervened by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
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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**STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110**

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of :
Alexander BRONSTEIN et al. :
Application No. 11/606,401 :
Filed: November 29, 2006 :
Attorney Docket No. **NOVA-01400** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

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 David R. Stevens 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 correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **NOVAFORA, INC.**
2460 N. 1ST ST., SUITE 200
SAN JOSE, CA 95131



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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

MAILED
JAN 9 1 2012
OFFICE OF PETITIONS

In re Application of : DECISION GRANTING PETITION
MALEK et al. : UNDER 37 CFR 1.78(a)(3) AND
Application No. 11/606,431 : 37 CFR 1.182
Filed: November 30, 2006 :
Attorney Docket No. 319093.01 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 26, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 11/598,573, filed November 13, 2006, set forth in the concurrently filed amendment and supplemental Application Data Sheet. This is also a decision on the petition under 37 CFR 1.182, filed January 26, 2012, requesting expedited consideration of the petition under 37 CFR 1.78(a)(3).

The petitions are **GRANTED**.

A petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications pursuant to 37 CFR 1.78(a)(3) is applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 2171 for consideration by the Examiner of applicant's entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed application.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/606,431, 11/30/2006, 2171, 1130, 319093.01, 20, 3

CONFIRMATION NO. 8423

CORRECTED FILING RECEIPT

69316
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052



Date Mailed: 02/01/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Alexander Malek, Seattle, WA;
Phillip David Allen, Redmond, WA;
Stuart B. Kolodner, Bellevue, WA;

Assignment For Published Patent Application

Microsoft Corporation, Redmond, WA

Power of Attorney: The patent practitioners associated with Customer Number 22971

Domestic Priority data as claimed by applicant

This application is a CON of 11/598,573 11/13/2006

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 02/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/606,431

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DECLARATIVE DATA BINDING AND DATA TYPE PROPAGATION IN A REMOTE WORKFLOW
SCHEDULE AUTHORIZING SYSTEM

Preliminary Class

715

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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SALT LAKE CITY UT 84110

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of :
Teck Kheng Lee, et al. :
Application No.: 11/606,497 : ON PETITION
Filed: November 29, 2006 :
Attorney Docket No.: 2269-7846US (06-0391.00/U) :

This is a decision on the petition, filed January 3, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 12, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

The application is being referred to Technology Center AU 2822 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Hoerger et al.	:	DECISION ON PETITION
Application No. 11/606,506	:	TO WITHDRAW
Filed: November 29, 2006	:	FROM RECORD
Attorney Docket No. 060960-5062-US	:	

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 22, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 21186 was revoked by the assignee of the patent application on September 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: MORGAN, LEWIS, & BOCKIUS LLP - SYNTHES
1701 MARKET STREET
PHILADELPHIA PA 19103



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MORGAN, LEWIS, & BOCKIUS LLP - SYNTHES
1701 Market Street
Philadelphia PA 19103

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Patent No. 8,038,962	: DECISION ON REQUEST FOR
HOERGER et al.	: RECONSIDERATION OF PATENT
Issued: October 18, 2011	: TERM ADJUSTMENT AND
Application No. 11/606,506	: NOTICE OF INTENT TO ISSUE
Filed: November 29, 2006	: CERTIFICATE OF CORRECTION
Attorney Docket No. 060960-	:
5062-US	:

This is a decision on the petition filed on Monday, December 19, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred forty-six (1246) days.

The petition to correct the patent term adjustment is being **GRANTED** to the extent that patent term adjustment indicated on the above-identified patent is one thousand two hundred forty-five (1245) days.

On October 18, 2011, the above-identified application matured into U.S. Patent No. 8,038,962. The patent issued with a revised Patent Term Adjustment of 1184 days. On Monday, December 19, 2011, patentees filed a timely request for reconsideration within two months of the date the patent issued. See 37 CFR 1.705(d).

Patentees dispute the reduction of 70 days associated with the filing of the Information Disclosure Statement (IDS) on August 10, 2011, after the mailing of the notice of allowance pursuant to 37 CFR 1.704(c)(10). Specifically, patentees assert that the Office mailed a responsive communication to the IDS on August 18, 2011. Patentees contend that the period of delay is 8 days, not 70 days.

Patentees' contention is well taken. However, the period of reduction pursuant to 37 CFR 1.704(c)(10) is 9 days (not 8 days), counting the number of days beginning on August 10, 2011, the filing date of the IDS, and ending on August 18, 2011, the mailing date of the Supplemental Notice of Allowability in response to the IDS. "When a period is indicated (in 37 CFR 1.703 or 1.704) as 'beginning' on a particular day, that day is included in the period, in that such day is 'day one' of the period and not 'day zero.'" MPEP 2731. "For example, a period beginning on April 1 and ending on April 10 is ten (and not nine) days in length." Id.

Accordingly, the period of reduction of 70 days will be removed and a period of reduction of 9 days will be entered.

In view thereof, the patent term adjustment indicated on the patent should be 1245 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office finance records indicate that patentees submitted a \$400.00 petition fee. The Office notes that the fee for consideration of the petition under 37 CFR 1.705(d) is \$200.00 as set forth in 37 CFR 1.18(e). The Office will refund the overpayment of \$200.00 to the Deposit Account in due course.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred forty-five (1245) days**.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,038,962 B2

DATED : Oct. 18, 2011

INVENTOR(S) : Hoerger et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1184) days.

Delete the phrase "by 1184 days" and insert – by 1245 days--



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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NOV 14 2011

OFFICE OF PETITIONS

In re Application of :
Tony Peled et al. : DECISION ON APPLICATION
Application No. 11/606,525 : FOR PATENT ADJUSTMENT
Filed: November 29, 2006 :
Attorney Docket No. 24024-511 CON :

This is in response to the APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b) filed October 12, 2011. Applicant requests that the determination of patent term adjustment be corrected from 285 days to 191 days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED to the extent indicated**. The PTA at the time of the mailing of the notice of allowance is 115 days.

On July 18, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 285 days. The instant application for patent term adjustment was timely filed on or before payment of the issue fee.¹

With respect to the patent term adjustment at the time of the mailing of the notice of allowance, applicants acknowledge the period of adjustment of 430 days for Office delay pursuant to 37 CFR 1.702(a)(1) and (a)(2) and 145 days applicant delay.

Applicants argue however, that 170 days of delay should be attributed under 35 U.S.C § 154(b)(2)(C) for the Supplemental Information Disclosure Statement filed on August 25, 2010. Applicants argue also that while a Restriction Requirement was mailed September 10, 2008, the Communication mailed by the Office on November 25, 2008 indicated that the September 10, 2008 Restriction Requirement had been replaced. Accordingly, the period of adjustment should be 301 days for the time period of January 30, 2008 (the day after the date that is fourteen months after the date on which the application was filed) to November 25, 2008 (the date that the replacement Restriction Requirement was filed).

¹ PALM records indicate that the issue fee was paid on July 18, 2011.

As it relates to the Supplemental IDS, applicant's argument is persuasive. A period of reduction should be entered for the Supplemental Information Disclosure Statement (IDS) filed August 25, 2010. The period of reduction pursuant to 37 CFR 1.704(c)(8) for filing the Supplemental IDS without a 1.704(d) statement and which was not expressly requested by the examiner, after the filing of the response on March 8, 2010, counting the number of days in the period beginning on the day after the initial reply was filed, March 8, 2010 and ending on the date of filing of the last supplemental paper, the IDS filed August 25, 2010. Accordingly, an additional period of reduction of 170 days is being entered.

37 CFR 1.704(c)(8) provides that:

the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

Applicant's argument regarding the examination delay for the second Restriction Requirement mailed November 25, 2008 is not persuasive. 37 CFR 1.702(a)(1) provides that: Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

In this instance, the Office action mailed September 10, 2008 was mailed within fourteen months and 225 days of the filing date. As the Office failed to take action within the time provided for in 37 CFR 1.702(a)(1), an adjustment to the Patent Term Adjustment was made in the amount of 225 days. The fact that the Office subsequently mailed a further Office action withdrawing the September 10, 2008 Office action does not negate the fact that the Office took action within the meaning of 37 CFR 1.702(a)(1). Accordingly, entry of an additional period of adjustment of 76 days for examination delay pursuant to 37 CFR 1.702(a)(1) is not warranted.

In view thereof, the patent term adjustment at the time of mailing of the notice of allowance is 115 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

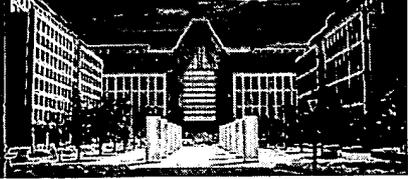
A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11606525 [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 11606525

Application Filing Date:	11/29/2006	Overlapping Days Between (A and B) or (A and C):	0
Issue Date of Patent:		Non-Overlapping USPTO Delays:	430
A Delays:	430	PTO Manual Adjustment:	-170
B Delays:	0	Applicant Delay (APPL):	145
C Delays:	0	Total PTA (days):	115

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration		Parent Action Number
					PTO	APPL	
112	11/09/2011		P028	Adjustment of PTA Calculation by PTO		170	0
104	07/18/2011		MN/=.	Mail Notice of Allowance			0
100	07/15/2011		IREV	Issue Revision Completed			0
99	07/15/2011		DVER	Document Verification			0
98	07/15/2011		N/=.	Notice of Allowance Data Verification Completed			0
97	07/15/2011		DOCK	Case Docketed to Examiner in GAU			0
103	07/14/2011		OAR	Office Action Review			0
102	07/14/2011		OAR	Office Action Review			0
101	07/14/2011		OAR	Office Action Review			0
96	07/14/2011		EX.A	Examiner's Amendment Communication			0
95	07/14/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
94	07/14/2011		CNTA	Allowability Notice			0
88	04/29/2011		FWDX	Date Forwarded to Examiner			0
90	04/20/2011		IDSC	Information Disclosure Statement considered			0
87	04/20/2011		A...	Response after Non-Final Action			0
86	04/20/2011		M844	Information Disclosure Statement (IDS) Filed			0
85	04/20/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
84	03/29/2011		DOCK	Case Docketed to Examiner in GAU			0
89	01/31/2011		IDSC	Information Disclosure Statement considered			0
83	01/31/2011		RCAP	Reference capture on IDS			0
82	01/31/2011		M844	Information Disclosure Statement (IDS) Filed			0
81	01/31/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
80	01/25/2011	07/08/2010	MCTNF	Mail Non-Final Rejection	201		56
79	01/25/2011		CTNF	Non-Final Rejection			0
72	08/25/2010		IDSC	Information Disclosure Statement considered			0
71	08/25/2010		M844	Information Disclosure Statement (IDS) Filed			0
70	08/25/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
73	08/10/2010		IDSC	Information Disclosure Statement considered			0
69	08/10/2010		M844	Information Disclosure Statement (IDS) Filed			0
68	08/10/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
74	08/03/2010		IDSC	Information Disclosure Statement considered			0
67	08/03/2010		M844	Information Disclosure Statement (IDS) Filed			0
66	08/03/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
75	06/28/2010		IDSC	Information Disclosure Statement considered			0
65	06/28/2010		RCAP	Reference capture on IDS			0
64	06/28/2010		M844	Information Disclosure Statement (IDS) Filed			0
63	06/28/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
76	05/13/2010		IDSC	Information Disclosure Statement considered			0
62	05/13/2010		M844	Information Disclosure Statement (IDS) Filed			0
61	05/13/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
58	03/09/2010		FWDX	Date Forwarded to Examiner			0
55	03/09/2010		ABN9	Disposal for a RCE / CPA / R129			0
77	03/08/2010		IDSC	Information Disclosure Statement considered			0
60	03/08/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
59	03/08/2010		M844	Information Disclosure Statement (IDS) Filed			0
57	03/08/2010		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
56	03/08/2010	01/23/2010	RCEX	Request for Continued Examination (RCE)		44	45
54	03/08/2010		XT/G	Request for Extension of Time - Granted			0
52	03/08/2010		BRCE	Workflow - Request for RCE - Begin			0
78	01/19/2010		IDSC	Information Disclosure Statement considered			0
51	01/19/2010		M844	Information Disclosure Statement (IDS) Filed			0
48	01/19/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
45	10/23/2009	10/19/2009	MCTFR	Mail Final Rejection (PTOL - 326)	4		37
44	10/23/2009		CTFR	Final Rejection			0
46	09/28/2009	06/19/2009	M844	Information Disclosure Statement (IDS) Filed		101	37
42	09/28/2009		IDSC	Information Disclosure Statement considered			0

40	09/28/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
38	08/11/2009	FWDX	Date Forwarded to Examiner	0
50	06/26/2009	RCAP	Reference capture on IDS	0
49	06/26/2009	M844	Information Disclosure Statement (IDS) Filed	0
43	06/26/2009	IDSC	Information Disclosure Statement considered	0
36	06/26/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
41	06/19/2009	IDSC	Information Disclosure Statement considered	0
39	06/19/2009	M844	Information Disclosure Statement (IDS) Filed	0
37	06/19/2009	A...	Response after Non-Final Action	0
35	06/19/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
34	03/24/2009	MM327	Mail Miscellaneous Communication to Applicant	0
33	03/23/2009	M327	Miscellaneous Communication to Applicant - No Action Count	0
32	03/20/2009	MCTNF	Mail Non-Final Rejection	0
31	03/17/2009	CTNF	Non-Final Rejection	0
28	01/09/2009	FWDX	Date Forwarded to Examiner	0
27	12/23/2008	ELC.	Response to Election / Restriction Filed	0
26	11/25/2008	MCTRS	Mail Restriction Requirement	0
24	11/25/2008	MW/AC	Mail Notice of Withdrawn Action	0
25	11/24/2008	CTRS	Restriction/Election Requirement	0
23	11/24/2008	W/AC	Withdrawing/Vacating Office Action Letter	0
19	09/10/2008	01/29/2008 MCTRS	Mail Restriction Requirement	225 0.5
18	09/08/2008	CTRS	Restriction/Election Requirement	0
30	09/04/2008	IDSC	Information Disclosure Statement considered	0
22	09/04/2008	RCAP	Reference capture on IDS	0
21	09/04/2008	M844	Information Disclosure Statement (IDS) Filed	0
20	09/04/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
17	09/21/2007	DOCK	Case Docketed to Examiner in GAU	0
29	08/10/2007	IDSC	Information Disclosure Statement considered	0
16	08/10/2007	RCAP	Reference capture on IDS	0
15	08/10/2007	M844	Information Disclosure Statement (IDS) Filed	0
14	08/10/2007	WIDS	Information Disclosure Statement (IDS) Filed	0
12	04/05/2007	PG-ISSUE	PG-Pub Issue Notification	0
11	03/26/2007	DOCK	Case Docketed to Examiner in GAU	0
13	03/01/2007	LET.	Miscellaneous Incoming Letter	0
10	01/13/2007	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
9	12/26/2006	WROIPE	Application Return from OIPE	0
8	12/26/2006	COMP	Application Is Now Complete	0
7	12/26/2006	W/OA	Pre-Exam Office Action Withdrawn	0
6	12/26/2006	ROIPE	Application Return TO OIPE	0
5	12/26/2006	OIPE	Application Dispatched from OIPE	0
4	12/26/2006	COMP	Application Is Now Complete	0
3	12/16/2006	L194	Cleared by OIPE CSR	0
2	12/12/2006	SCAN	IFW Scan & PACR Auto Security Review	0
1	11/29/2006	IEXX	Initial Exam Team nn	0
0.5	11/29/2006	EFILE	Filing date	0

Export to: [Excel](#)



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Russell J. Egan
2328 Woodland Park Drive
Houston TX 77077

MAILED
APR 03 2012
OFFICE OF PETITIONS

In re Application of
Shengwen Jin, et al.
Application No. 11/606,551
Filed: November 30, 2006
Attorney Docket No. JIN-100

:
:
:
:
:
:

NOTICE

This is in response to the paper filed January 23, 2012 under 37 CFR 1.28(g)(2) requesting that status as a Small Entity be removed.

In accordance with the January 23, 2012 request, status as a Small Entity has been removed.

This file is being referred to file repository for awaiting of the scheduled patent maintenance fees.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 21 2011

In re Application of
Alexander J. Cohen, et al.
Application No. 11/606,779
Filed: November 30, 2006
Attorney Docket No. QQ1-0079US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

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.

Petitioner should note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

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 undersigned at 571-272-1642.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MARGARET ANDERSON
106 E. 6TH STREET
SUITE 900
AUSTIN, TX 78701



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 09/14/2010

Applicant : Nicholas J. Robertson : DECISION ON REQUEST FOR
Patent Number : 7656634 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/606,795 : OF WYETH AND NOTICE OF INTENT TO
Filed : 11/30/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **522** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of :
Drumheller et al. :
Application No. 11/606,818 : **ON PETITION**
Filed: December 1, 2006 :
Attorney Docket No. A8107713US :

This is a notice regarding your request, August 20, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/11/11

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No 11/606.898 7902332B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

**Should the change(s)
Be made?**

RoChaun Johnson

Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____



SPE

1654

Art Unit



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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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

NOV 30 2011

In re Application of
Tat Keung Chan, et. al.
Application No. 11/606,910
Filed: December 1, 2006
Attorney Docket No. 39700-
696001US/NC51381US

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed November 16, 2011.

The request is **APPROVED**.

The request was signed by Pedro F. Suarez on behalf of himself and all the attorneys/agents associated with Customer Number 64046. Therefore, Pedro F. Suarez and all the attorneys/agents associated with Customer Number 64046 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Nokia Corporation
Keilalahdentie 4
Espoo fin-02150
FINLAND



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
11/606,910	12/01/2006	Tat Keung Chan	39700-696001US/ NC51381US

CONFIRMATION NO. 8567

POWER OF ATTORNEY NOTICE

64046
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111



Date Mailed: 11/29/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2011.

- 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.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/606,918 12/01/2006 Jean-Dean Yang 0941-1489PUS2 8563

7590 01/31/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SELLERS, ROBERT E

ART UNIT PAPER NUMBER

1765

NOTIFICATION DATE DELIVERY MODE

01/31/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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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January 27, 2011

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

In re Application of :
Jean-Dean Yang, et al : **DECISION ON PETITION**
Application No. 11606918 :
Filed: 12/01/2006 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 0941-1489PUS2 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 1, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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

**MAILED
NOV 17 2010
OFFICE OF PETITIONS**

In re Application of :
Skarby et al. : **DECISION ON PETITION**
Application No. 11/607,082 : **TO WITHDRAW**
Filed: December 1, 2006 : **FROM RECORD**
Attorney Docket No. 2380-1012 :

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 12, 2010.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply 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 replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. Further, no reason for withdrawal was provided with the instant request. 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.

It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities and provide a reason necessary for the request to withdraw from representation to be granted.

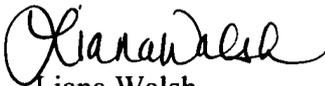
Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed July 7, 2010 that requires a reply. Failure to timely and properly do so will result in abandonment of the instant application.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : July 7,2011

In re Application of :

Egbert Brouwer

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11607097

Filed : 01-Dec-2006

Attorney Docket No : 1857.7760001

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 7,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2882 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11607097
Filing Date	01-Dec-2006
First Named Inventor	Egbert Brouwer
Art Unit	2882
Examiner Name	PETER KIM
Attorney Docket Number	1857.7760001
Title	INSPECTION APPARATUS, LITHOGRAPHIC SYSTEM PROVIDED WITH THE INSPECTION APPARATUS AND A METHOD FOR INSPECTING A SAMPLE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/James E. Raynolds/
Name	James E. Raynolds
Registration Number	65978

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11607134
Filing Date	30-Nov-2006
First Named Inventor	Alan Lyons
Art Unit	3754
Examiner Name	JAMES HOOK
Attorney Docket Number	LU06003USU (LYONS 35-1-5)
Title	FLUID-PERMEABLE BODY HAVING A SUPERHYDROPHOBIC SURFACE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Jay M. Brown/
Name	Jay M. Brown
Registration Number	30033



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

Decision Date : June 13,2011

In re Application of :

Alan Lyons

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11607134

Filed : 30-Nov-2006

Attorney Docket No : LU06003USU (LYONS 35-1-5)

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 13,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3754 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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**BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA PA 19103**

MAILED

DEC 10 2010

In re Application of :
Mohammed et al. :
Application No. 11/607,147 :
Filed: November 30, 2006 :
Attorney Docket No. 131452-0102 :

**OFFICE OF PETITIONS
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 November 12, 2010.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Shawn Li on behalf of all attorneys/agents of record who are associated with Customer Number 64574. All attorneys/agents associated with Customer Number 64574 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee and first-named inventor, I.D. Interactive, Inc. c/o Azmat Mohammed, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: I.D. INTERACTIVE, INC.
C/O AZMAT MOHAMMED
5 ROLLS CRESCENT
HULME, MANCHESTER M15 5JX GB UNITED KINGDOM



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

Xerox Corporation
c/o Wiggin and Dana LLP
Wiggin and Dana LLP
One Century Tower, 265 Church Street
New Haven CT 06510-7001

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Rodriguez et al. : DECISION GRANTING STATUS
Application No. 11/607,165 : UNDER 37 CFR 1.47(a)
Filed: November 30, 2006 :
Attorney Docket No. 20050166-US-NP :
102768-200 :

This is in response to the petition under 37 CFR 1.47(a), filed November 30, 2006.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused by conduct to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the renewed petition at his current address. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
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

Jerry Money
2494 Etiwan Avenue
Apt. M8
Charlestown, SC 29414-5581

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of
Rodriguez et al.

Application No. 11/607,165

Filed: November 30, 2006

For: SUPPLY UNITS HAVING AN ASSOCIATED ELECTRONICALLY-READABLE MEMORY DEVICE

Dear Mr. Money:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Christopher Bottorff at (571) 272-6692. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: Wiggin and Dana LLP
One Century Tower
265 Church Street
New Haven CT 06510-7001



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

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

MAILED

DEC 20 2010

In re Application of :
Hiroyuki Yoshida, et al. :
Application No. 11/607,195 :
Filed: November 30, 2006 :
Attorney Docket No. 125141.00286 :

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes fields for EXAMINER (RICHER, AARON M), ART UNIT (2628), and DELIVERY MODE (ELECTRONIC).

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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May 26, 2011

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

Re Application of
WILENSKY, GREGG D.
Application: 11/607206
Filed: 12/04/2006
Attorney Docket No: 07844-786001 / P693

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 01, 2006. The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

MAILED

NOV 23 2010

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Nasoff et al. :
Application No 11/607,208 :
Filed: December 1, 2006 :
Attorney Docket No. PAT033505-US-PCTD :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 1, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 2, 2010. A Notice of Abandonment was mailed September 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620.00; and (3) a proper statement of unintentional delay.

It should be noted a terminal disclaimer for revival purposes is not required as the above identified application is not a design application and was not filed prior to June 8, 1995.

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

This application is being referred to Technology Center AU 1646 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment and IDS submitted in accordance with 37 CFR 1.114.



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
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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,840,665 :
Issue Date: November 23, 2010 :
Application No. 11/607,280 : NOTICE UNDER 37 CFR. 1.28(c)
Filed: November 30, 2006 :
Attorney Docket No. 200704473-1 :

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

Thurman Page
Petitions Examiner
Office of Petitions



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FEB 04 2011

OFFICE OF PETITIONS

**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

In Re application of :
Emiko Kobayashi et al. :
Application No. 11/607,317 :
Filed: November 30, 2006 :
Attorney Docket No. 16869S-197900US :

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed December 8, 2010 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the amendment and related papers, filed November 29, 2010, be expunged from the record. Petitioner states that the papers submitted were erroneously filed in the instant application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a different application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application. Therefore, the petition fee is refunded.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of Shih et al. :
Application No. 11/607,456 :
Filed: December 1, 2006 :
Attorney Docket No. 30371- :
0053001/P050161SBZ :

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 March 16, 2012.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

As there is no Statement under 37 CFR 3.73(b) from the current assignee in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Behrooz Rezvani et al.	:	
Application No. 11/607,475	:	DECISION ON PETITION
Filed: December 1, 2006	:	TO WITHDRAW
Attorney Docket No. 63832-8009.US01	:	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 2, 2010.

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 Jordan M. Becker on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Quantenna Communications, Inc.
3450 W. Warren Avenue
Fremont, CA 94535



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
11/607,475	12/01/2006	Behrooz Rezvani	63832-8009.US01

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

CONFIRMATION NO. 8551
POWER OF ATTORNEY NOTICE



Date Mailed: 11/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- 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



Sheppard, Mullin, Richter & Hampton, LLP
390 Lytton Avenue
Palo Alto, CA 94301

MAILED
OCT 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Behrooz Rezvani et al.	:	
Application No. 11/607,475	:	DECISION ON PETITION
Filed: December 1, 2006	:	TO WITHDRAW
Attorney Docket No. 25DX-158722	:	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 21, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton, LLP and all attorneys/agents of record has been revoked by the assignee of the patent application on October 11, 2011. 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: IP Creators
P.O. Box 2789
Cupertino, CA 95015



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Alexandria, VA 22313-1450
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MAILED

OCT 12 2010

OFFICE OF PETITIONS

Mauriel Kapouytian & Treffert LLP
151 1st Avenue
#23
New York NY 10003

In re Application of	:	
PENNOCK, David M. et al.	:	
Application No. 11/607,579	:	DECISION ON PETITION
Filed: December 01, 2006	:	TO WITHDRAW
Attorney Docket No. 10033-2005300	:	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 22, 2010.

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 no change of address was provided.

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



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

SHERR & VAUGHN, PLLC
620 HERNDON PARKWAY
SUITE 320
HERNDON, VA 20170

MAILED
DEC 22 2010
OFFICE OF PETITIONS

In re Application of :
Eun-A Choi, et al. :
Application No. 11/607,592 : **DECISION DISMISSING PETITION**
Filed: November 30, 2006 : **UNDER 37 CFR 1.313(a)**
Attorney Docket No. 303-0001 :

This is a decision on the petition under 37 CFR 1.313(a), filed December 20, 2010, requesting withdrawal of the above-identified application from issue.

The petition is **DISMISSED** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on October 13, 2010, with the issue fee being due on or before January 13, 2011. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Telephone inquiries concerning this decision may be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

The matter is being referred to Technology Center AU 2112 for appropriate processing of the RCE filed December 20, 2010, and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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PATENTS AND LICENSING LLC
DANIEL W. JUFFERNBRUCH
28 BARRINGTON BOURNE
BARRINGTON IL 60010-9605

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application of :
Manolas et al. :
Application No. 11/607640 :
Filing or 371(c) Date: 12/01/2006 : **ON PETITION**
Attorney Docket Number: :
PL072-0001 :

This is a decision on the petition under 37 CFR 1.137(b), and addendum filed May 12, 2011, 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 non-final Office action, mailed April 28, 2010. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on July 29, 2010. A Notice of Abandonment was mailed December 21, 2010.

Applicant files the present petition and includes an Amendment in response to the Office action. 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 Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 1619 for processing of the Amendment filed with the petition in due course.

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

/DLW/

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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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WALSH & KATZ
120 S. RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED

NOV 23 2010

OFFICE OF PETITIONS

In re Application of :
Jun Koyama et al :
Application No. 11/607,692 :
Filed: December 1, 2006 :
Attorney Docket No. 0553-0257.02 :

ON PETITION

This is a decision on the petition, filed November 22, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 18, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

MAILED
SEP 21 2011
OFFICE OF PETITIONS

In re Application of :
Magee :
Application No. 11/607,752 : DECISION ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. 2912-PAT :

This is a decision on the petition, filed September 16, 2011, under 37 CFR 1.181, 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 non-final Office action mailed February 17, 2009. The non-final Office action set a three month shortened statutory period for reply. Notice of Abandonment was mailed September 16, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on May 17, 2009. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated May 17, 2009, 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.

After careful consideration of petition and accompanying documents, the holding of abandonment for failure to timely file a reply to the Office action of May 17, 2009 is hereby withdrawn and the application restored to pending status. The Notice of Abandonment is vacated.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by mailing on May 17, 2009.

This application is being referred to Technology Center AU 3618 for appropriate action in the normal course of business on the reply received with petition.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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MAILED
OCT 12 2010
OFFICE OF PETITIONS

Mauriel Kapouytian & Treffert LLP
151 1st Avenue
#23
New York NY 10003

In re Application of	:	
REED, Benjamin C. et al.	:	
Application No. 11/607,782	:	DECISION ON PETITION
Filed: December 01, 2006	:	TO WITHDRAW
Attorney Docket No. 10033-2005200	:	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 22, 2010.

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 no change of address was provided.

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



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

**MAILED
NOV-22 2010
OFFICE OF PETITIONS**

In re Application of :
Behrooz Rezvani et al. :
Application No. 11/607,815 :
Filed: December 1, 2006 :
Attorney Docket No. 63832-8001.US01 :

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 November 2, 2010.

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 Jordan M. Becker on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Quantenna Communications, Inc.
3450 W. Warren Avenue
Fremont, CA 94535



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
11/607,815	12/01/2006	Behrooz Rezvani	63832-8001.US01

CONFIRMATION NO. 8754

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208



Date Mailed: 11/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- 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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Sheppard, Mullin, Richter & Hampton, LLP
390 Lytton Avenue
Palo Alto, CA 94301

MAILED

OCT 28 2011

In re Application of	:	OFFICE OF PETITIONS
Behrooz Rezvani et al.	:	
Application No. 11/607,815	:	DECISION ON PETITION
Filed: December 1, 2006	:	TO WITHDRAW
Attorney Docket No. 25DX-159013	:	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 21, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton, LLP and all attorneys/agents of record has been revoked by the assignee of the patent application on October 23, 2011. 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: IP Creators
P.O. Box 2789
Cupertino, CA 95015



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P.O. Box 1450
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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Sergey A. LUKYANOV :
Application No. 11/607,818 : **DECISION ON PETITION**
Filed: November 30, 2006 :
Attorney Docket No. CLON-035CIPCON :

This is a decision on the petition filed April 29, 2011, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed March 23, 2011 be withdrawn. The \$400.00 petition fee has been received.

The petition is granted.

Petitioner request withdrawal of the terminal disclaimer erroneously filed March 23, 2011, over U.S. Patent No. 7,157,565. Petitioners assert that, no obviousness-type double patenting issue exists over US Patent 7,157,565 and no terminal disclaimer should have been filed. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

Telephone inquiries related to this decision should be addressed to Michelle R. Eason at (571) – 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions



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TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU, CA 90265

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Zhuang, et al.
Appl. No.: 11/607,838
Filing Date: December 1, 2006
Title: A Novel Method For Simultaneously Measuring The Longitudinal And Shear Wave
Speeds In Materials Under Compression Load
Attorney Docket No.: CIT027
Pub. No.: US 2010/0275693 A1
Pub. Date: November 4, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 28, 2011, for the above-identified application.

Since the patent has issued, the request is DISMISSED as moot.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on January 28, 2011, was not timely filed under 37 CFR 1.221(b).

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

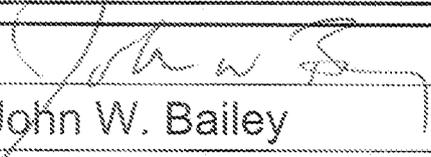
Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)	
Nonprovisional Application Number or Control Number (if applicable): Appl. No. 11/607,867 - Atty Docket - 0445-0369PUS1	Patent Number (if applicable):
First Named Inventor: Takashi KAWAI et al.	Title of Invention: BULKY SHEET
<p>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none">a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.c. The statutory or non-statutory time period set for response has not yet expired.d. Withdrawal and reissuance of the Office communication is requested.e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <p>2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none">a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-8500.	

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date JUN 20 2011
Name (Print/Typed) John W. Bailey	Practitioner Registration Number 32,881
<p><i>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*</i></p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	



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

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
Kawai et al. :
Application No. 11/607,867 : **DECISION ON PETITION**
Filed: December 4, 2006 :
Attorney Docket No. 0445-0369PUS1 :

This is a decision on the request filed June 20, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 18, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1786 for re-mailing the Office action of February 18, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
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

SanDisk and Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte NC 28280-4000

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Patent No. 7,533,328

Issue Date: May 12, 2009

Application No. 11/607,945

Filed: December 4, 2006

Attorney Docket No. 4168/14

ON PETITION

This is a decision on the renewed petition filed January 19, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to add the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ See *Official Gazette* of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/607,954	12/04/2006	Yun-tae Kim	Q97753	1198
23373	7590	12/15/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			WASHINGTON, JAMARES	
			ART UNIT	PAPER NUMBER
			2625	
			NOTIFICATION DATE	DELIVERY MODE
			12/15/2011	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):

USPTO@sughrue.com
sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM



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Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

December 15, 2011

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

In re Application of :
Yun-Tae Kim et al. : **DECISION ON PETITION**
Application No. 11607954 :
Filed: 12/4/2006 :
Attorney Docket No. Q97753 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) December 4, 2006.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

- 1. The fee set forth under 37 C.F.R. 1.17(h),
- 2. Three (3) sets of the color drawings in question, (One (1) set for EFS filings), and
- 3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3

Re requirement 2: The replacement drawings for Figs. 5A-5C filed on 12/29/10 are not in color.

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of :
Paul E. BECKMANN, et al. :
Application No. 11/608,034 : DECISION GRANTING PETITION
Filed: December 7, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **02103-0390002/S25** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 15, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 4, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Ms. Dorothy P. Whelan appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts. If Ms. Whelan desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06/08/11

TO SPE OF : ART UNIT: 2612 Attn: BUGG GEORGE A (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/608074 Patent No.: 7786874

CofC mailroom date: 12/27/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: Please check the Specifications & Claims

Tasneem Siddiqui

Certificates of Correction Branch

703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

George Bugg

George Bugg
SPE

2612
Art Unit



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Commissioner for Patents
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W. EDWARD RAMAGE
COMMERCE CENTER SUITE 1000
211 COMMERCE ST
NASHVILLE TN 37201

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Farrell, Brendan P., Jr. :
Application No. 11/608,113 :
Filed: December 7, 2006 :
Attorney Docket No. 1039003.000101 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 23, 2011, 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 an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3629 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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Clifford H. Kraft
320 Robin Hill Drive
Naperville, IL 60540

MAILED
NOV 15 2011

In re Application of
Percy van Rijn
Application No. 11/608,148
Filed: July 29, 2004
Attorney Docket No. PA2703REI

OFFICE OF PETITIONS

**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 October 21, 2011.

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 Clifford H. Kraft on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: James Gregory Johanson
c/o Solar Electrical Systems
742 Hampshire Road, Suite A
West Lake Village, CA 91361



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,148	12/07/2006	James Gregory Johanson	SOLAR-49340

CONFIRMATION NO. 8832

POWER OF ATTORNEY NOTICE

74642
CLIFFORD H. KRAFT
320 ROBIN HILL DR.
NAPERVILLE, IL 60540



Date Mailed: 11/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/21/2011.

- 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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CANADY & LORTZ LLP - BOEING
2540 HUNTINGTON DRIVE, SUITE 205
SAN MARINO, CA 91108

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of
Leonard A. PENZO, III
Application No. 11/608,231
Filed: December 7, 2006
Attorney Docket No. **06-0650/BOECP036**

:
:
: DECISION ON PETITION
:
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 3, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 3, 2010. Accordingly, the date of abandonment of this application is February 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management Division for processing into a patent.


Thurman K. Page
Petitions Examiner
Office of Petitions



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Bell & Manning, LLC
122 E. Olin Avenue, Suite 290
Madison, WI 3713

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of Van Der Weide et al. :
Application No. 11/608,456 : On Application For
Filing Date: December 8, 2006 : Patent Term Adjustment
Attorney Docket No. 00300-0065 :

This is in response to the "Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. § 1.705" filed June 8, 2010. Applicants submit the correct patent term adjustment to be indicated on the patent is five hundred sixty (560) days, not two hundred seventy-three (273) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, an applicant may wait until the time of the issuance of the patent and file a request for reconsideration of the

patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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 For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 28, 2011

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/608484 Patent No.: 7514995

CofC mailroom date: 5-8-09

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Magdalene Talley
Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

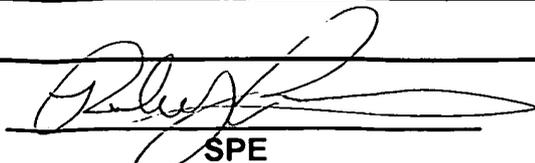
Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____



SPE

2817
Art Unit



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Alexandria, VA 22313-1450
www.uspto.gov

Eli Weiss, Esq.
Oakwood Law Group, LLP
14 Bond Street -- SUITE 386
Great Neck NY 11021

MAILED

OCT 12 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Brown :
Application No. 11/608,608 :
Filed: March 17, 2008 :
Attorney Docket No. N/A :
For: FOUNDATION DOOR-VENT WITH
INSULATION

This is a decision on the petition, filed September 20, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the non-final Office action, November 24, 2010. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on February 25, 2011. A Notice of Abandonment was mailed on September 2, 2011.

Applicant has submitted an amendment in reply to the November 24, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the November 24, 2010 non-final Office action, and the \$810.00 petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3749 for consideration of the amendment filed on September 20, 2011.

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

A handwritten signature in black ink that reads "Shirene Willis Brantley". The signature is written in a cursive style with a large, looped initial "S".

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WORKMAN NYDEGGER/Leica
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

MAILED
DEC 03 2010
OFFICE OF PETITIONS

In re Application of :
OLSON, JONATHAN P. :
Application No. 11/608,681 :
Filed: 12/08/2006 :
Attorney Docket No. 18504.2.1 :

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 29, 2010.

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.

This application is being referred to Technology Center Art Unit 2617.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,716	12/08/2006	Reddy Malapati	81150491	9839
36865	7590	10/14/2010	EXAMINER	
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP			ENGLE, PATRICIA LYNN	
806 S.W. BROADWAY, SUITE 600			ART UNIT	PAPER NUMBER
PORTLAND, OR 97205			3612	
			MAIL DATE	DELIVERY MODE
			10/14/2010	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.



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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OCT 14 2010

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

In re Application of	:	
Malapati et al.	:	DECISION ON PETITION
Application No. 11/608,716	:	REGARDING REQUEST TO
Filed: December 8, 2006	:	WITHDRAWAL FINALITY
For: ENERGY ABSORBING SEAT ANCHOR	:	UNDER 37 CFR §1.181
RESTRAINT SYSTEM FOR CHILD	:	
SAFETY SEATS	:	

This is a decision on applicants' petition under 37 CFR 1.181 filed September 2, 2010 requesting withdrawal of the finality of the Office action mailed July 9, 2010.

The petition is **GRANTED**.

Petitioner argues that the rejection of claims 4, 7-15 and 17 are improper and that the examiner failed to respond to Applicant's arguments regarding the rejection of claims 4, 7-15 and 17.

In the non-final Office action mailed March 12, 2010, the examiner rejected claims 1-6, 16 and 18 as being unpatentable over Nagazumi in view of DSM Manufacturing Company or ME3221-Overview of Sheet Metal Forming Process or Hermann et al. (herein after referred to as "the secondary references"). However, it is noted that claim 4 is not addressed in the rejection paragraphs and that claims 19 and 20, although not included in the rejection statement, are included in the discussion. Accordingly, there is a disconnect between the rejection statements and the rejection paragraphs. The examiner also rejected claims 9-15 as being unpatentable over Nagazumi in view of Neelis, claim 4 as being unpatentable over Nagazumi in view of Desjardins, claim 7 as being unpatentable over Nagazumi in view of Schulz, and claims 8 and 17 as being unpatentable over Nagazumi in view of Weman.

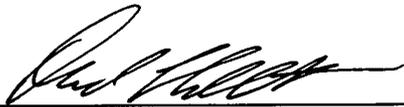
In the rejection of claims 1-3, 5, 6, 16, 19 and 20, the examiner acknowledged that "Nagazumi does not disclose that the radius is larger than the thickness of the metal strap." The examiner applied the secondary references as evidence that a radius larger than the thickness of the metal strap is known in the art. Claims 4, 7-15 and 17 depend either directly or indirectly from either claim 1 or claim 16 and thus include all the limitations of their respective independent claims. However, the examiner did not include the secondary references in the rejection of these claims.

In response to the non-final Office action, applicants canceled claim 18 and argued that that the rejections of claims 4, 7-15 and 17 are improper because none of the references used in the rejections of these claims (i.e., Nagazumi, Neelis, Desjardins, Schulz or Weman) disclose that the radius of the bend is larger than a thickness of the metal strap. In the final Office action mailed July 9, 2010, the examiner applied the exact same grounds of rejection (including the rejection of cancelled claim 18) and rationale provided in the March 12, 2010 non-final Office action. Additionally, the examiner failed to respond to applicants' arguments regarding claims 4, 7-15 and 17. Petitioner's arguments that the rejections of claims 4, 7-15 and 17 is improper is persuasive. The examiner failed to explain in the final Office action how Neelis, Desjardins, Schulz or Weman teach a bend radius larger than a thickness of the metal strap, a feature which is lacking in Nagazumi.

Accordingly, the finality of the Office action of July 9, 2010 is hereby withdrawn and the application will be returned to the examiner to prepare a new Office action properly treating claims 4, 7-15 and 17.

Summary: The petition is **GRANTED**.

Questions concerning this decision should be referred to Teri Luu, Quality Assurance Specialist, at (571) 272-7045.



David Talbott, Director
Technology Center 3600
(571) 272-5150

DT/tl: 09/20/10

TL



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

October 7, 2011

Patent No.: 7,991,902 B2
Applicant : David Cross, et al.
Issued : August 2, 2011
For : **REPUTATION-BASED AUTHORIZATION DECISIONS**
Atty Docket No.: MS1-3235US

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.323.

Respecting the alleged error in changing the third inventor name. The third inventor's name is printed in accordance with the Declaration submitted at the time of filing the application. Therefore, no correction is in order here under Rule 1.323.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to change, add or delete inventor(s), after issuance of the patent. If petition is granted, application will be forwarded for correction of Office records to reflect the inventorship as corrected and to the Certificate of Correction Branch for issuance of certificate of correction.

In view of the foregoing, your request in this matter is hereby denied.

A petition under C.F.R. 1.324 should include:

- A. the processing fee set forth in 37 CFR 1.20(b) (currently \$130);
- B. a statement from each person being added as an inventor that the inventorship occurred without any deceptive intention on his or her part, a statement from the current inventors agreeing to the change of inventorship of stating that they have no disagreement in regard to the requested change, and a statement from all assignees of the current inventors agreeing to the change of inventorship in the patent.

Further correspondence concerning this matter should be filed and directed to Supervisory Patent Examiner of Technology Center 2183 at the U.S. Patent and Trademark Office.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201



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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 08/04/2010

Applicant : Tao Chen : DECISION ON REQUEST FOR
Patent Number : 7657264 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/608,758 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/08/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **494** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



RAHMAN LLC
10025 GOVERNOR WARFIELD PARKWAY
SUITE 110
COLUMBIA MD 21044

MAILED
DEC 15 2010
OFFICE OF PETITIONS

In re Application of
Aaron D. Markworth et al.
Application No. 11/608,856
Filed: December 11, 2006
Attorney Docket No. CUS.5027

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
: and
: UNDER 37 CFR 1.78(a)(6)
:

This is a decision on the petition under 37 CFR 1.78(a)(3) filed November 19, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 11/045,908 filed January 28, 2005. In view of the amendment submitted, this petition is also being treated under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed U.S. Provisional Patent Application No. 60/548,543 filed on February 27, 2004, and U.S. Provisional Patent Application No. 60/565,658 filed on April 27, 2004.

The petition under 37 CFR 1.78 is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR

1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claims for priority under 35 U.S.C. § 120 and 119(e) are accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

The fee in the amount of \$1410 for the petition under 37 CFR 1.78 has been charged to petitioner's credit card.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3733 for consideration by the examiner of the claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed non-provisional and provisional applications.



Christopher Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/608,856, 12/11/2006, 3733, 425, CUS.5027, 20, 3

CONFIRMATION NO. 1087

CORRECTED FILING RECEIPT



83981
Rahman LLC
10025 Governor Warfield Parkway
Suite 110
Columbia, MD 21044

Date Mailed: 12/10/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Aaron D. Markworth, Saddle Brook, NJ;
Mahmoud F. Abdelgany, Rockaway, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 83981

Domestic Priority data as claimed by applicant

This application is a CIP of 11/045,908 01/28/2005
which claims benefit of 60/548,543 02/27/2004
and claims benefit of 60/565,658 04/27/2004

Foreign Applications

If Required, Foreign Filing License Granted: 12/29/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/608,856

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

PEDICLE DYNAMIC FACET ARTHROPLASTY SYSTEM AND METHOD

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



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2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of :
Robert C. Anderson : DECISION ON PETITION
Application Number: 11/608875 :
Filing Date: 12/11/2006 :
Attorney Docket Number: 8L03.1- :
180 :

This is a decision on the petition filed on May 4, 2010, under 37 CFR 1.137(a), to revive the above-identified application.

The petition is **dismissed**.

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

The application became abandoned on April 14, 2010, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on January 13, 2010, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on April 30, 2010.

Petitioner's counsel asserts that the Notice of Allowance and Fee(s) Due was not received, and therefore was not docketed for payment of the issue fee.

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing

application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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(1);

(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(c)).

The petition lacks item (3).

With regards to item (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".¹ 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

¹ 35 U.S.C. § 133.

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

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).⁵ 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

With regard to the allegation of non-receipt of the Notice of Allowance and Fee(s) Due ("the Notice") mailed on January 13, 2010, a review of the record indicates no irregularity in the mailing of the Notice mailed on January 13, 2010, and, in the absence of any irregularity in the mailing, there is a strong presumption that the Notice mailed on January 13, 2010, was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice mailed on January 13, 2010, 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).

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).

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).

Petitioners have not provided a statement by the practitioner to the effect that the Notice mailed on January 13, 2010 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 Notice was not received. Further, petitioners have not provided a copy of the docket record(s) used by the practitioner where the non-received Notice 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 Notice must include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Notice, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Notice action must be submitted as documentary proof of nonreceipt of the Notice. If no such master docket exists, the practitioner must 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.

Any renewed petition must be accompanied by the items listed above.

In summary, petitioner's argument has been considered, but is not persuasive. In the absence of the information required above, petitioners have failed to provide convincing evidence that the Notice was not received, nor have petitioners shown that the delay in filing a reply was unavoidable. In this respect, petitioner asserts unavoidable delay because the Notice mailed on January 13, 2010 was never received. As stated above, petitioner's showing that the Notice mailed on January 13, 2010, was never received is lacking because the requirements set forth in MPEP 711.03(c) to establish that an Office communication was never received have not been met. Therefore, the petition must be dismissed.

If petitioner is unable to provide the showing above, petitioner may wish to consider filing a petition to revive under 37 C.F.R. 1.137(b), accompanied by the required fee as set forth in § 1.17(m).

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

Application No. 11/608875

6

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

A reply may also be filed using the EFS-Web System of the USPTO.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SUITE 800
ATLANTA GA 30339

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OCT 22 2010
OFFICE OF PETITIONS

In re Application of :
Robert C. Anderson : DECISION ON PETITION
Application Number: 11/608875 :
Filing Date: 12/11/2006 :
Attorney Docket Number: 8L03.1- :
180 :

This is a decision on the renewed petition filed on August 4, 2010, under 37 CFR 1.137(a).

The petition is **GRANTED**.

The application became abandoned on April 14, 2010, for failure to timely file the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on January 13, 2010, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on April 30, 2010. The petition filed on May 4, 2010, was dismissed on August 2, 2010.

The application is restored to pending status.

The application is being referred to the Office of Data Management for processing into a patent.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 18, 2010

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/609040 Patent No.: 7838428

CofC mailroom date: 12-8-10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Magdalene Talley

Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

Steven Lohr (SPE) AV. 2818

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

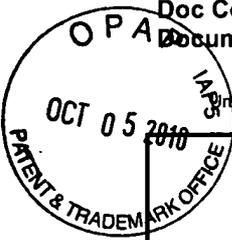
PTO/SB/131 (02-10)

Approved for use through 08/31/2013. OMB 0651-0020

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.

DAC/PA



**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

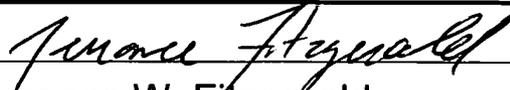
Attorney Docket Number: 27441/035	
Application Number: 11/609,110	Filing Date (or 371(b) or (f) Date): 12/11/2006
Patent Number: 7,505,132	Issue Date: 03/17/2009
First Named Inventor: Perry A. Palumbo	
Title: SELF CALIBRATING MEASUREMENT SYSTEM	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature 	Date 9-30-10
Name (Print/Typed) Terrance W. Fitzgerald	Registration Number 66263

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

The Ollila Law Group LLC
2569 Park Lane
SUITE 202
Lafayette, CO 80026

Mail Date: 10/20/2010

Applicant : Perry A. Palumbo : DECISION ON REQUEST FOR
Patent Number : 7505132 : RECALCULATION of PATENT
Issue Date : 03/17/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/609,110 : OF WYETH
Filed : 12/11/2006 :
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110228

DATE : February 28, 2011

TO SPE OF : ART UNIT 1618

SUBJECT : Request for Certificate of Correction on Patent No.: 7,837,981

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

The changes are acceptable and do not change the scope of the invention or add new matter.

/MICHAEL G HARTLEY/
Supervisory Patent Examiner.Art Unit 1618



App Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

DAC/DFW

PTO/SB/131 (02-10)
Approved for use through 08/31/2013. OMB 0651-0020
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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: 27441/034

Application Number: 11/609,168

Filing Date (or 371(b) or (f) Date): 12/11/2006

Patent Number: 7,528,951

Issue Date: 05/05/2009

First Named Inventor: Perry A. Palumbo

Title: OPTICAL DESIGN OF A MEASUREMENT SYSTEM HAVING MULTIPLE SENSOR OR MULTIPLE LIGHT SOURCE PATHS

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature <i>Terrance W. Fitzgerald</i>	Date 9-30-10
Name (Print/Typed) Terrance W. Fitzgerald	Registration Number 66263

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

The Ollila Law Group LLC
2569 Park Lane
SUITE 202
Lafayette, CO 80026

Mail Date: 10/18/2010

Applicant : Perry A. Palumbo : DECISION ON REQUEST FOR
Patent Number : 7528951 : RECALCULATION of PATENT
Issue Date : 05/05/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/609,168 : OF WYETH
Filed : 12/11/2006 :
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



DAC/IFU

FDac Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 08/31/2013. OMB 0651-0020

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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: 27441/033

Application Number: 11/609,211

Filing Date (or 371(b) or (f) Date): 12/11/2006

Patent Number: 7,495,763

Issue Date: 02/24/2009

First Named Inventor: Perry A. Palumbo

Title: DUAL FUNCTION MEASUREMENT SYSTEM

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature

Terrance Fitzgerald

Date

9-30-10

Name (Print/Typed)

Terrance W. Fitzgerald

Registration Number

66263

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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The Ollila Law Group LLC
2569 Park Lane
SUITE 202
Lafayette, CO 80026

Mail Date: 10/21/2010

Applicant : Perry A. Palumbo : DECISION ON REQUEST FOR
Patent Number : 7495763 : RECALCULATION of PATENT
Issue Date : 02/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/609,211 : OF WYETH
Filed : 12/11/2006 :
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/23/11

TO SPE OF : ART UNIT 3769

SUBJECT : Request for Certificate of Correction for Appl. No.: 11609242 Patent No.: 7921855

CofC mailroom date:
06/17/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: should the changes be granted?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

A. Farah
Primary Examiner
[Signature]

SPE

3769
Art Unit



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United States Patent and Trademark Office
P.O. Box 1450
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Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS 66210

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Charlie L. Forbis et al. :
Application No. 11/609,248 : **DECISION ON PETITION**
Filed: December 11, 2006 :
Attorney Docket No. 36219 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, 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 non-final Office action mailed July 19, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 20, 2010. A Notice of Abandonment was mailed on February 2, 2011.

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 (3).

As to item (3) the statement of unintentional delay is presently not acceptable because the signature is not recognized as a person of interest in this case. A statement under 37 CFR 3.73(b), authorizing a person(s), to sign on behalf of an assignee. Please refer to form no. PTO/SB/83, which is attached to this decision.

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 Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/609,405	12/12/2006	Robert P. Morris	1438/US	1066
49277	7590	02/04/2011	EXAMINER	
SCENERA RESEARCH, LLC			HASTY, NICHOLAS	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2178	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			02/04/2011	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.



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

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
MORRIS, Robert
Application No. 11/609,405
Filed: December 12, 2006
For: **METHOD AND SYSTEM FOR
ANNOTATING PRESENCE
INFORMATION**

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.103(a)**

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on January 24, 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on January 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of ***three (3) months from the mailing date of this letter***. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Eddie C. Lee whose telephone number is (571) 272-1732.

Vincent Trans
Quality Assurance Specialist, TC 2100
571-272-3613



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/609,405	12/12/2006	Robert P. Morris	1438/US	1066
49277	7590	12/22/2011	EXAMINER	
SCENERA RESEARCH, LLC			HASTY, NICHOLAS	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2178	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			12/22/2011	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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/609,405	12/12/2006	Robert P. Morris	1438/US	1066
49277	7590	03/29/2012	EXAMINER	
SCENERA RESEARCH, LLC			HASTY, NICHOLAS	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2178	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			03/29/2012	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.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Kevin L. Wingate
SCENERA RESEARCH, LLC
111 Corning Road
Suite 220
Cary, North Carolina 27518

In re Application of:
Robert P. MORRIS
Appl. No.: 11/609,405
Filed: December 12, 2006
For: METHOD AND SYSTEM FOR ANNOTATING
PRESENCE INFORMATION

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on 28 March 2012.

The petition is **GRANTED**.

Pursuant to applicant's request filed on 28 March 2012, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of **three (3) months from the mailing date of this letter**. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-27-11

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/619505 Patent No.: 7876310

CofC mailroom date: 10-06-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved** All changes apply.
- Approved in Part** Specify below which changes **do not** apply.
- Denied** State the reasons for denial below.

Comments: _____

APPROVED
By aeisen at 6:20 am, Oct 28, 2011

SPE /ALEXANDER EISEN/

Art Unit 2629



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www.uspto.gov

IBM CORP. (WIP)
c/o WALDER INTELLECTUAL PROPERTY LAW, P.C.
17330 PRESTON ROAD
SUITE 100B
DALLAS TX 75252

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Michael N. Nonemacher et al. :
Application No. 11/609,565 : **DECISION ON PETITION**
Filed: December 12, 2006 :
Attorney Docket No. AUS920105102US5 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 20, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 21, 2010. A Notice of Abandonment was mailed on February 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being 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.

Application No. 11/609,565

Page 2

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3684 for appropriate action by the Examiner in the normal course of business on the reply received March 25, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
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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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED

SEP 22 2011

OFFICE OF PETITIONS

In re Application of :
Russell Mareachen :
Application No. 11/609,589 : **DECISION ON PETITION**
Filed: December 12, 2006 :
Attorney Docket No. **BCS04212** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 15, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 27, 2011. Accordingly, the date of abandonment of this application is August 30, 2011.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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MOTOROLA, INC.
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE IL 60048-5343

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of :
Eric R. BUHRKE, et al :
Application No. 11/609,648 : **ON PETITION**
Filed: December 12, 2006 :
Attorney Docket No. BCS03917 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 16, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is February 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay have been received.

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 decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2173 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/dcg/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: STEWART W. WIENER
101 TOURNAMENT DRIVE
HORSHAM, PA 19044



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of :
Christensen et al. : **DECISION ON PETITION**
Application No. 11/609,656 : **TO WITHDRAW**
Filed: December 12, 2006 : **FROM RECORD**
Attorney Docket No. 026808-004200US :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2011 and March 31, 2011.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by David A. Hall on behalf of all attorneys/agents of record who are associated with Customer Number 20350. All attorneys/agents associated with Customer Number 20350 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee of record, American Power Conversion Corporation, at the address indicated below. However, applicants should note that the application is currently in abandoned status.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: AMERICAN POWER CONVERSION CORPORATION
C/O SHANE HUNTER
GILMAN CLARK LLS
176 FEDERAL STREET, 4TH FLOOR
BOSTON MA 02110



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**HENSLEY KIM & HOLZER, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER CO 80264**

MAILED
AUG 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Massey et al.	:	DECISION ON PETITION
Application No. 11/609,791	:	TO WITHDRAW
Filed: December 12, 2006	:	FROM RECORD
Attorney Docket No. 444-002-USP	:	

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 18, 2011.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on July 18, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply 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 replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property (including funds) to which the client is entitled have been delivered to the client or a duly authorized representative.

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

Currently, there is an outstanding Office action mailed May 19, 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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HKH LAW, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER CO 80264

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of
Massey et al.
Application No. 11/609,791
Filed: December 12, 2006
Attorney Docket No. 444-002-USP

:
:
:
DECISION ON PETITION
TO WITHDRAW FROM RECORD
:
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2011.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Gregory W. O'Connor on behalf of all attorneys of record who are associated with Customer Number 45346.

All attorneys/agents associated with the Customer Number 45346 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed May 19, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: David Todd Massey
200 West Mountain Avenue, Suite 102
Fort Collins, CO 80521



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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

MAILED
JUN 24 2011
OFFICE OF PETITIONS

In re Application of :
Yang :
Application No. 11/609,907 : **DECISION ON PETITION**
Filed: 13 December, 2006 :
Attorney Docket No. 21565-US-PA :

This is a decision on the petition filed pursuant to 37 C.F.R. §1.78(a)(3), on 17 February, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant application was filed on 13 December, 2006. Office records reflect that the new claim was presented in an amendment on 17 February, 2011. However, it appears that the amendment to the specification submitted contains an improper incorporation by reference as to Application Nos. 10/709,956 and 10/907,047.

Application No. 11/609,907

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

As noted above, the petition does not comply with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference. The surcharge and statement were submitted.

Thus, the petition lacks item (1), above.

Because the record does not support Petitioner's attempt to identify the priority claimed, the amendment fails to comply with the provisions of 37 C.F.R. §1.78(a)(2)(i) and is therefore unacceptable.

Accordingly, before the petition under 37 C.F.R. §1.78 can be granted, a renewed petition under 37 C.F.R. §1.78 and a substitute amendment (complying with 37 C.F.R. §1.121 and 37 C.F.R. §1.76(b)(5)) correcting the priority claim made is required.

Questions concerning this matter may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center AU 2614 for further processing in due course.



Anthony Knight
Director
Office of Petitions



JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of :
Yang :
Application No. 11/609,907 : **DECISION ON PETITION**
Filed: 13 December, 2006 :
Attorney Docket No. 21565-US-PA :

This is a decision on the petition filed pursuant to 37 C.F.R. §1.78(a)(3), on 7 July, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant application was filed on 13 December, 2006. Office records reflect that the new claim was presented in an amendment on 7 July, 2011.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §120 is accepted as being unintentionally delayed.

Application No. 11/609,907

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 C.F.R. 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 37 C.F.R. 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application(s), accompanies this decision on petition.

This application is being forwarded to the examiner of Technology Center/AU 2614 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed applications.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr. attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



for Anthony Knight
Director, Office of Petitions
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/609,907, 12/13/2006, 2614, 425, 21565-US-PA, 9, 1

CONFIRMATION NO. 1877

CORRECTED FILING RECEIPT



31561
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

Date Mailed: 07/29/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Bill Yang, Taipei, TAIWAN;

Assignment For Published Patent Application

COTRON CORPORATION, Taipei City, TAIWAN

Power of Attorney:

Belinda Lee--46863

Domestic Priority data as claimed by applicant

This application is a CIP of 10/709,956 06/09/2004 PAT 7,463,748
and is a CIP of 10/907,047 03/17/2005 PAT 7,289,641

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

- TAIWAN 95130956 08/23/2006
TAIWAN 93111985 04/29/2004
TAIWAN 93107621 03/22/2004
TAIWAN 94103553 02/04/2005

If Required, Foreign Filing License Granted: 01/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/609,907

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

EARPHONE

Preliminary Class

381

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



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MAIL

NOV 15 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of
MORRIS, ROBERT P. :
Application No. 11/609,920 : DECISION ON REQUEST
Filed: December 13, 2006 :
For: **METHODS, SYSTEMS, AND COMPUTER** :
PROGRAM PRODUCTS FOR PROVIDING :
ACCESS TO A SECURE SERVICE VIA A :
LINK IN A MESSAGE :

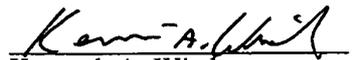
This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on July 16, 2010.

The petition is **GRANTED**.

Pursuant to applicant's request filed on July 16, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Ken Wieder whose telephone number is (571) 272-2986.


Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/609,920	12/13/2006	Robert P. Morris	1432/US	1902
49277	7590	07/19/2011	EXAMINER	
SCENERA RESEARCH, LLC			ANWAH, OLISA	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2614	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			07/19/2011	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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SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of
MORRIS, ROBERT P. :
Application No. 11/609,920 : DECISION ON PETITION
Filed: December 13, 2006 : TO SUSPEND UNDER
For: **METHODS, SYSTEMS, AND COMPUTER** : 37 CFR § 1.103(a)
PROGRAM PRODUCTS FOR PROVIDING
ACCESS TO A SECURE SERVICE VIA A
LINK IN A MESSAGE

This is a decision on the petitions for suspension filed February 25, 2011 and May 16, 2011.

37 C.F.R. § 1.103 Suspension of action by the Office, states in part:

(a) *Suspension for cause.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension **not exceeding six months**. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.
[emphasis added]

709 [R-2] Suspension of Action, states in part:...

Suspension of action under 37 CFR 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR 1.704(c)(1).

The petition filed February 25, 2011 is **DENIED** because a reply by applicant to an Office action dated February 22, 2011 was outstanding.

The petition filed May 16, 2011 is **GRANTED**.

A review of the file record reveals that the final rejection dated June 07, 2011 failed to consider the petition to suspend action filed May 16, 2011. Therefore, the final office action is premature. As a result of this decision to suspend action, the final rejection dated June 07, 2011 is **vacated**. Pursuant to applicant's request filed on May 16, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Michael Horabik whose telephone number is (571) 272-3068.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/609,920	12/13/2006	Robert P. Morris	1432/US	1902
49277	7590	11/03/2011	EXAMINER	
SCENERA RESEARCH, LLC			ANWAH, OLISA	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2614	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			11/03/2011	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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SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

MAIL

NOV 03 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
MORRIS, ROBERT P. :
Application No. 11/609,920 : DECISION ON REQUEST
Filed: December 13, 2006 :
For: **METHODS, SYSTEMS, AND COMPUTER** :
PROGRAM PRODUCTS FOR PROVIDING :
ACCESS TO A SECURE SERVICE VIA A :
LINK IN A MESSAGE :

This is a decision on the fourth petition for suspension of prosecution under 37 CFR § 1.103(a) filed on October 24, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed on October 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Michael Horabik whose telephone number is (571) 272-3068.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/609,920	12/13/2006	Robert P. Morris	I432/US	1902
49277	7590	02/16/2012	EXAMINER	
SCENERA RESEARCH, LLC			ANWAH, OLISA	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2614	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			02/16/2012	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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WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY NC 27518

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NOV 15 2010
OFFICE OF PETITIONS

In re Application of :
Hugh Svendsen, et al. :
Application No. 11/609,948 : DECISION GRANTING PETITION
Filed: December 13, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1116-022 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 9, 2010, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 28, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2475 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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OFFICE OF PETITIONS

DUBOIS, BRYANT, CAMPBELL & SCHWARTZ, LLP
700 LAVACA STREET
SUITE 1300
AUSTIN, TX 78701

In re Patent No. 7,707,717 :
Issue Date: May 4, 2010 :
Application No. 11/609,972 :
Filed: December 13, 2006 :
Patentee(s): Earnest Pringle :

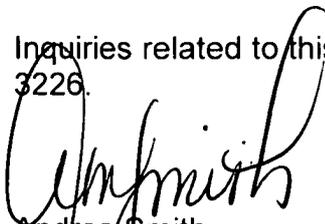
NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on November 24, 2010.

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**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

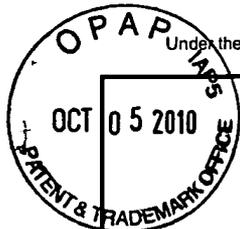
DAC/FFU

PTO/SB/131 (02-10)

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**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket Number: 27441/032	
Application Number: 11/610,023	Filing Date (or 371(b) or (f) Date): 12/13/2006
Patent Number: 7,538,874	Issue Date: 05/26/2009
First Named Inventor: Perry A. Palumbo	
Title: MEASUREMENT OF LIGHT FROM A PREDEFINED SCATTER ANGLE FROM PARTICULATE MATTER IN A MEDIA	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature <i>Terrance Fitzgerald</i>	Date 9-30-10
Name (Print/Typed) Terrance W. Fitzgerald	Registration Number 66263

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

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 10 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.



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The Ollila Law Group LLC
2569 Park Lane
SUITE 202
Lafayette, CO 80026

Mail Date: 10/25/2010

Applicant : Perry A. Palumbo : DECISION ON REQUEST FOR
Patent Number : 7538874 : RECALCULATION of PATENT
Issue Date : 05/26/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/610,023 : OF WYETH
Filed : 12/13/2006 :
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

DAC/IFW
PTO/SB/131 (02-10)

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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket Number: 27441/028

Application Number: 11/610,038

Filing Date (or 371(b) or (f) Date): 12/13/2006

Patent Number: 7,525,655

Issue Date: 04/29/2009

First Named Inventor: Perry A. Palumbo

Title: OPTICAL DESIGN OF A PARTICULATE MEASUREMENT SYSTEM

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature <i>Terrance W. Fitzgerald</i>	Date 9-30-16
Name (Print/Typed) Terrance W. Fitzgerald	Registration Number 66263

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

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 10 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.



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The Ollila Law Group LLC
2569 Park Lane
SUITE 202
Lafayette, CO 80026

Mail Date: 10/18/2010

Applicant : Perry A. Palumbo : DECISION ON REQUEST FOR
Patent Number : 7525655 : RECALCULATION of PATENT
Issue Date : 04/28/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/610,038 : OF WYETH
Filed : 12/13/2006 :
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

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OFFICE OF PETITIONS

In re Application of :
Xiu et al. : DECISION ON PETITION
Application No. 11/610,111 :
Filed: December 13, 2006 :
Attorney Docket No. GTRC202 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 8, 2011.

The petition is **GRANTED**.

On March 28, 2011, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply was filed and no extension of time was obtained. Accordingly, the application became abandoned effective June 29, 2011. A courtesy Notice of Abandonment was mailed on October 31, 2011.

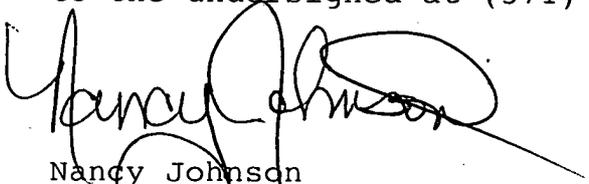
The petition includes the required reply in the form of an amendment; the required statement of unintentional delay; and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

All requirements of 37 CFR 1.137(b) have been met.

Technology Center AU 1712 has been advised of this decision. The application is, thereby, forwarded to the examiner for

consideration of the reply (amendment) submitted on December 8, 2011.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looped initial "N" and a long, sweeping underline that extends to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



MAILED

JAN 24 2011

PCT LEGAL ADMINISTRATION

MOTOROLA SOLUTIONS, INC.
Penny Tomko
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

In re Application of PETERSEN	:	
Application No.: 11/610,123	:	DECISION ON
Filing Date: 13 December 2006	:	
Attorney Docket No.: CM06478EC	:	PETITION
For: WIRELESS COMMUNICATIONS	:	
NETWORK AND METHOD OF DETERMINING	:	UNDER 37 CFR 1.78(a)(3)
ADJACENCY OF SITES IN A WIRELESS	:	
COMMUNICATIONS NETWORK	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 14 June 2010 to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the international application identified in the concurrently application data sheet.

At the time of filing the present application, applicant did not make a proper claim for domestic priority. Thus, the filing of a petition under 37 CFR 1.78(a)(3) is necessary. Such petition is hereby **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in the application data sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a statement of unintentional delay which is construed that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. If this interpretation is incorrect, petitioner is required to promptly notify this office. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled

to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2617 for consideration by the examiner of applicant's entitlement to claim benefit of priority to the prior filed applications.

/Boris Milef/

Boris Milef
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



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MILLER THOMPSON, LLP
Scotia Plaza
40 King Street West, Suite 5800
TORONTO ON M5H 3S1 CA CANADA

MAILED
MAR 14 2012
OFFICE OF PETITIONS

In re Patent No. 8,085,164 :
Issue Date: December 27, 2011 :
Application No. 11/610,222 :
Filed: December 13, 2006 :
Attorney Docket No. 132357-00006 :

ON PETITION

This is a decision on the petition filed January 24, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/7/2011
TO SPE OF : ART UNIT 2612
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/610243 Patent No.: 7535366 B2
CofC mailroom date: 8/23/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: Request submitted 2/6/2007
never acted on.

Virginia Tolbert

**Certificates of Correction Branch
(571) 272-0460**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/Benjamin C. Lee/

2612

SPE

Art Unit



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

ALCON
IP LEGAL, TB4-8
6201 SOUTH FREEWAY
FORT WORTH, TX 76134

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of :
Denis Turner, et al. :
Application No. 11/610,275 : DECISION GRANTING PETITION
Filed: December 13, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 3167 US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 20, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 29, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Darien Reddick 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. Reddick desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. All future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

This application is being referred to Technology Center AU 3753 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
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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LEWIS C. LEE
601 W RIVERSIDE, SUITE 1400
SPOKANE WA 99201

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
DONNELLY	:	
Application No. 11/610,334	:	DECISION ON PETITION
Filed: December 13, 2006	:	TO WITHDRAW
Attorney Docket No. TCMS001USO	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 28, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Lewis C. Lee does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. 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-identified address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MARGARET M. ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN, TX 78701

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120403

DATE : April 3, 2012

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: 7,526,301

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

SPE: /Rafael Pérez-Gutiérrez/ **Art Unit 2617**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/30/2011 Paper No.: _____
TO SPE OF : ART UNIT 1711
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/610,380 Patent No.: 7757324 P2
CofC mailroom date: 3/25/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

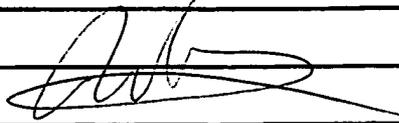
Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____



Michael Barr

SPE

1711
Art Unit



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

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

Mail Date: 08/03/2010

Applicant : Benjamin Lowell Lee : DECISION ON REQUEST FOR
Patent Number : 7652657 : RECALCULATION of PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/610,394 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **619** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MAILED

AUG 26 2010

OFFICE OF PETITIONS

**LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER CO 80301**

In re Application of :
Hwang-Chang KIM :
Application No. 11/610,839 : **DECISION ON PETITION**
Filed: December 14, 2006 :
Attorney Docket No. 457212 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 03, 2010, originally filed January 20, 2009 to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed January 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 March 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 oath/declaration and fees; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of January 08, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

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



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GERALD M. KRAAI**
2345 GRAND BOULEVARD
SUITE 2400
KANSAS CITY, MISSOURI 64108



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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/610,950	12/14/2006	Steven J. Harrington	20041746-US-NP	3571
75931	7590	09/16/2010	EXAMINER	
BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526			FABER, DAVID	
			ART UNIT	PAPER NUMBER
			2178	
			NOTIFICATION DATE	DELIVERY MODE
			09/16/2010	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):

dmasters@bnpatentlaw.com
dneels@bnpatentlaw.com
mnickerson@bnpatentlaw.com



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Alexandria, VA 22313-1450
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BASCH & NICKERSON LLP
1777 Penfield Road
Penfield, NY 14526

In re Application of:
HARRINGTON, Steven et al.
Application No. 11/610,950
Filed: December 14, 2006
For: **METHOD FOR TRANSFORMATION OF
AN EXTENSIBLE MARKUP LANGUAGE
VOCABULARY TO A GENERIC
DOCUMENT STRUCTURE FORMAT**

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

This is a decision on the petition filed on August 5, 2010 under 37 CFR § 1.181 requesting that the Examiner consider reference "that the Applicant properly submitted Information Disclosure Statements (April 23, 2009 and November 17, 2009) citing the file histories of various co-pending applications, and that the Information Disclosure Statements were in compliance with 37 C.F.R. 1.97 and 37 C.F.R. 1.98."

The petition is **GRANTED**.

Any inquiry concerning this decision should be directed to Eddie C. Lee at (571) 272-1732.

Eddie C. Lee

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732



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Alexandria, VA 22313-1450
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**GENERAL ELECTRIC COMPANY
GE GLOBAL PATENT OPERATION
2 CORPORATE DRIVE, SUITE 648
SHELTON, CT 06484**

**MAILED
NOV 19 2010
OFFICE OF PETITIONS**

In re Application of :
Kohls et al. :
Application No. 11/610,995 : **ON PETITION**
Filed: December 14, 2006 :
Attorney Docket No. 220655-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 3, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 4, 2009. A Notice of Abandonment was mailed March 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, 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) 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 the undersigned at (571) 272-6059.

This application is being referred to Technology Center 3762 for further examination on the merits


Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE, IL 60048-5343

MAILED

SEP 13 2011

OFFICE OF PETITIONS

In re Application of :
Kee Joo Chew :
Application No. 11/611,039 : **ON PETITION**
Filed: December 14, 2006 :
Attorney Docket No.: CS28620AS :

This is a decision on the petition, filed August 30, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

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)" as well as the missing item(s) noted below. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 15, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 15, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 16, 2011. On August 30, 2011, the present petition was filed, along with a Request for Continued Examination (RCE) under 37 CFR 1.14.

A grantable petition under 37 CFR 1.137(b)¹ 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

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).

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 petition lacks item 1. In this regard, petitioner submitted a RCE under 37 CFR 1.14 as the proposed reply. However, the RCE is improper, since the request was not filed prior to June 16, 2011, the date upon which the application became abandoned for failure to pay the issue fees. 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. Consequently, this application cannot be revived in favor of the RCE until the requisite issue and publication fees are paid. Petitioner is reminded that if the RCE is subsequently allowed, the issue fee can be reapplied towards the issue fee required by the new Notice of Allowance.

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-Web²

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

² 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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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE, IL 60048-5343

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Kee Joo Chew :
Application No. 11/611,039 : **ON PETITION**
Filed: December 14, 2006 :
Attorney Docket No.: CS28620AS :

This is a decision in response to the renewed petition, filed September 20, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 15, 2011. A Notice of Abandonment was mailed on June 30, 2011. In response, on August 30, 2011, a petition under 37 CFR 1.137(b) was filed along with a Request for Continued Examination (RCE) under 37 CFR 114. Since an application abandoned for failure to pay the issue fee may only be revived upon payment of the issue fee, the petition was dismissed in a decision mailed September 12, 2011. On September 20, 2011, the present petition was filed, including the requisite issue fee.

On reconsideration, the petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on September 20, 2011, be applied towards the issue fee required by the new Notice of Allowance.

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

The application file is being forwarded to Technology Center AU 2614 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

GARLICK & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of :
ALTOUNIAN et al. :
Application No. 11/611,107 : DECISION GRANTING PETITIONS
Filed: 12/14/2006 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. ITAG005 :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed January 26, 2012, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed Application Data Sheet (ADS).

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The reference must be submitted during the pendency of the later-filed application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-

filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) and under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2169 for consideration by the examiner of the claim under 35 U.S.C. 120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Any questions concerning this matter 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 Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/611,107, 12/14/2006, 2169, 425, ITAG005, 20, 3

CONFIRMATION NO. 3830

CORRECTED FILING RECEIPT



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

Date Mailed: 02/14/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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 ALTOUNIAN, AUSTIN, TX;
CHARLES ZELLER, AUSTIN, TX;
SARA FOX, AUSTIN, TX;

Assignment For Published Patent Application

ITAGGIT, INC., AUSTIN, TX

Power of Attorney: The patent practitioners associated with Customer Number 34399

Domestic Priority data as claimed by applicant

This application is a CIP of 11/559,390 11/13/2006 PAT 7523132
and is a CIP of 11/521,891 09/15/2006
which is a CIP of 11/486,709 07/14/2006 PAT 7859550
which claims benefit of 60/771,135 02/06/2006
and claims benefit of 60/743,733 03/24/2006
and claims benefit of 60/743,735 03/24/2006
and claims benefit of 60/743,734 03/24/2006
and claims benefit of 60/743,737 03/24/2006
and claims benefit of 60/743,736 03/24/2006

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 01/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/611,107

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

PHYSICAL ITEM DATA RECORD CREATION VIA CLONING A DATA OBJECT IN AN ACCESSIBLE COLLECTION

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order 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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/611,117	12/14/2006	Igor Burkovskiy		3847

7590 04/06/2011
I. ZBOROVSKY
16 Bantry Ct
Huntington, NY 11743

EXAMINER

SHAVER, KEVIN P

ART UNIT PAPER NUMBER

3754

MAIL DATE DELIVERY MODE

04/06/2011

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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I. ZBOROVSKY
16 Bantry Ct
Huntington NY 11743

In re Application of	:	
BURKOVSKIY, IGOR	:	DECISION ON PETITION
Application No. 11/611,117	:	TO MAKE SPECIAL UNDER
Filed: Dec. 14, 2006	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #4, #7 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the petition, petitioner states that the claims of the application are directed to energy conservation and enhancement of environmental quality. This is not persuasive because it is not clear how the claimed pouring apparatus will contribute to enhancement of the quality of the environment and energy conservation. The claimed pouring apparatus has nothing to do with green technologies.

In regard to item 7, petitioner should note that as shown by the records of the U. S. Patent and Trademark Office, a first Office action appears in the Patent Application Information Retrieval (PAIR) system on May 26, 2009. The present petition was submitted on March 17, 2011. Since a first Office action appears in PAIR prior to the submission of the present petition, the petition is dismissed.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3754 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700



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Paper No.

COHEN & GRIGSBY, P.C.
625 LIBERTY AVENUE
PITTSBURGH PA 15222-3152

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Patent Number: 7,740,136 :
Issue Date: 06/22/2010 :
Application Number: 11/611,170 :
Filing or 371(c) Date: 12/15/2006 :
Attorney Docket Number: 06-217 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission, which is treated under 37 CFR 1.28, filed on April 13, 2011.

The Office no longer investigates or rejects original or reissue patents 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 patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.


Douglas Wood
Attorney
Office of Petitions



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FlashPoint Technology and Withrow & Terranova
100 Regency Forest Drive
Suite 160
Cary NC 27518

MAILED

MAR 25 2011

In re Application of : **OFFICE OF PETITIONS**
Gregory Morgan Evans, et al. :
Application No. 11/611,188 : **DECISION GRANTING PETITION**
Filed: December 15, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 1104-139 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 24, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 3, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2436 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON, KY 40550-0999

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of :
Kristi Ann Kappes et al :
Application No. 11/611,229 : **ON PETITION**
Filed: December 15, 2006 :
Attorney Docket No. 2006-0183.01 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2011, 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 final Office action mailed May 12, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on August 13, 2010.

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

This matter is being referred to Technology Center AU 3653 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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CARLSON, GASKEY & OLDS, P.C./Alcatel-Lucent
400 W MAPLE RD
SUITE 350
BIRMINGHAM MI 48009

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AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Holger Claussen et al. :
Application No. 11/611,230 : **DECISION ON PETITION**
Filed: December 15, 2006 :
Attorney Docket No. **67108-312** :
PUS1; Claussen

This is a decision on the petition, filed July 1, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the final Office action mailed October 19, 2010, which set a three (3) month statutory period to reply. A Notice of Abandonment was mailed on July 11, 2011.

Petitioner asserts that the final Office action dated October 19, 2010, was not received.

A review of the written record indicates no irregularity in the mailing of the October 19, 2010, 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 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.
- (2) 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.
- (3) 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. See MPEP §711.03(c)(I)(A)

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 item (3) of the above-stated requirements.

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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

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Holger Claussen et al. :
Application No. 11/611,230 : DECISION ON PETITION
Filed: December 15, 2006 :
Attorney Docket No. **67108-312** :
PUS1; Claussen :

This is a decision on the renewed petition, filed August 18, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed October 19, 2010, which set a three (3) month shortened statutory period to reply. A Notice of Abandonment was mailed on July 11, 2011.

Petitioner asserts that the final Office action dated October 19, 2010, was not received.

A review of the written record indicates no irregularity in the mailing of the October 19, 2010, 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 the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should

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.

- (2) 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.
- (3) 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. See MPEP §711.03(c)(I)(A)

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.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Technology Center Art Unit 2617 for appropriate action in the normal course of business on the reply received with petition.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail on the 'y'.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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IPLAW SHCB/40-3
1701 NORTH STREET
ENDICOTT, NY 13760

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NOV 26 2010

OFFICE OF PETITIONS

In re Application of :
Erik Bartholomy, et al. :
Application No. 11/611,298 : **DECISION ON PETITION**
Filed: December 15, 2006 :
Attorney Docket No. END920060155US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Noncompliant Amendment (Notice) mailed, August 3, 2010, 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 September 4, 2010.

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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, there was no response to the outstanding Office action mailed August 3, 2010. A courtesy copy of this Office action is being mailed along with this decision. Accordingly, the petition to revive cannot be granted until the response to the Office action is received.

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(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

By hand: U. S. Patent and Trademark Office
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 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 undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Courtesy copy of Office action August 3, 2010.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/611,298	12/15/2006	Erik Bartholomy	END920060155US1	4170
26502	7590	08/03/2010	EXAMINER	
IBM CORPORATION IPLAW SHCB/40-3 1701 NORTH STREET ENDICOTT, NY 13760			LEWIS, LISA C	
			ART UNIT	PAPER NUMBER
			2436	
			NOTIFICATION DATE	DELIVERY MODE
			08/03/2010	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):

endiplaw@us.ibm.com

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)	
11/611,298	BARTHOLOMY ET AL.	
Examiner	Art Unit	
Lisa Lewis	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10 June 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/L. L./ Examiner, Art Unit 2436	/Nasser Moazzami/ Supervisory Patent Examiner, Art Unit 2436
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Continuation of 5 Other: The amendment filed on 06/10/2010 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because applicant originally elected claims 1-8, and now has cancelled claims 1-8 and has re-elected claims 9-12. In a phone call made to Arthur Samodovitz, the examiner originally divided the claims into two groups (Group I: claims 1-12 and Group II: claims 13-15). However, in a second phone conversation with Mr. Samodovitz, the examiner explained that a mistake had been made regarding the grouping of the claims, and that the claims were further being divided into three groups (Group I: claims 1-8, Group II: claims 9-12; and Group III: claims 13-15). In this second phone call, applicant expressly elected Group I: claims 1-8. Therefore, the claims presented within the amendment filed 06/10/2010 are not drawn to the elected invention. Accordingly, the 06/10/2010 amendment is deemed non-responsive to the previous Office action, especially given that claims 1-8 have already been examined on the merits. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. .



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OFFICE OF PETITIONS

In re Application of :
Erik Bartholomy, et al. :
Application No. 11/611,298 : **DECISION ON PETITION**
Filed: December 15, 2006 :
Attorney Docket No. END920060155US1 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-compliant Amendment (Notice) mailed, August 3, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provision of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2436 for appropriate action by the Examiner in the normal course of business on the reply received December 28, 2010.


April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101021

DATE : October 21, 2010

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,802,274

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

/Joseph H. Feild/
Supervisory Patent Examiner, Art Unit 2627



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OFFICE OF PETITIONS

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

In re Patent No. 8,055,833 : DECISION ON REQUEST
Danilak, et al. : FOR
Issue Date: November 8, 2011: RECONSIDERATION OF
Application No. 11/611,374 : PATENT TERM ADJUSTMENT
Filed: December 15, 2006 : and
Atty Docket No. 16113-1921001: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 6, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred and thirty-four (534) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by **three hundred and ninety-six (396) days** is **GRANTED to the extent indicated herein**.

The instant petition was filed January 6, 2012. Patentees state, in pertinent part:

Section 154(b)(1)(B)(i) of Title 35 excludes from the calculation of B Delay "any time consumed by continued examination of the application." In the present matter, Requests for Continued Examination were filed on November 13, 2009, March 1, 2010, July 1, 2010, October 19, 2010, January 24, 2011, and June 6, 2011. The Director erred in the calculation of the patent term adjustment by subtracting from B Delay a period of time that was not "consumed by continued examination of the application." The PTO mailed a Notice of Allowance on June 24, 2011, thereby closing examination of the application on that date. Thus, no continued examination took place during 138

day period from June 24, 2011 (the mailing date of the Notice of Allowance) until November 8, 2011 (the date the patent was issued). Accordingly, 138 days of "B Delay" should have been included in addition to the 0 days accorded by the Director, for a total "B Delay" of 138 days.

Excerpt taken from "Application for Patent Term Adjustment under 37 CFR 1.705(d)", filed January 6, 2012, pgs. 2-3.

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay"

that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the

statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such

information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on November 13, 2009, and the patent issued by virtue of that request on November 8, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on November 13, 2009, and ending on November 8, 2011, is not included in calculating Office delay.

Patentees dispute the period of reductions of 1-day and 2 days entered for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b). It is determined that entry of these reductions for these replies timely filed pursuant to 35 U.S.C. §21(b) is not warranted. **Accordingly, the period of reductions of 1-day and 2 days are being removed.**

Accordingly, the revised patent term adjustment is 396 days (402 days "A" delay + 0 days "B" delay - 0 days of overlap - 6 days of applicant delay.)

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and ninety-six (396) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8, 055,833 B2

DATED : Nov. 8, 2011

INVENTOR(S) : Danilak, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (393) days

Delete the phrase "by 393 days" and insert – by 396 days--



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OFFICE OF PETITIONS

In re Patent No. 8,055,833 :
Danilak, et al. : DECISION FOR REQUEST
Issue Date: November 8, 2011 : FOR RECONSIDERATION
Application No. 11/611,374 : OF PATENT TERM
Filed: December 15, 2006 : ADJUSTMENT
Attorney Docket No.16113-1921001 :

This is a decision on the "Response to Decision on Request for Reconsideration of Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction", filed February 24, 2012. Patentees request that the patent term adjustment indicated on the face of the Letters of Patent be corrected from three hundred and ninety-six (396) days, to five hundred and thirty-four (534) days.

The request for reconsideration is granted to the extent that the determination has been reconsidered; however, the request for reconsideration of patent term adjustment is **DENIED** with respect to making any change in the patent adjustment determination under 35 U.S.C. § 154(b) of 396 days. This decision may be viewed as a final agency action within the meaning of 5 U.S.C. 704 and for purposes of seeking judicial review. See MPEP §1002.02.

BACKGROUND

On November 8, 2011, the subject application matured into U.S. patent No. 8,055,833, with a revised patent term adjustment of three hundred and ninety-three (393) days. This revised determination included entry of an additional period of adjustment of zero (0) days for the Office taking in excess of three years to issue the patent.

On January 6, 2012, a petition under 37 CFR 1.705(d) was filed requesting that patent term adjustment be reflected as five hundred and thirty-four (534) days.

By decision mailed January 26, 2012, the request for reconsideration was granted only to the extent that the reductions of 1-day and 2-days to the patent term adjustment under 37 CFR 1.704(b) were removed. The revised patent term adjustment was corrected to three hundred and ninety-six (396) days.

On February 24, 2012, this request for reconsideration of the decision was filed.

By the instant petition, patentees again dispute the calculation of the "B" delay period of the patent term adjustment. Specifically, patentees' state:

Patentees submit that B Delay accumulated for a total of 693 days, beginning on December 16, 2009 (the day after the date that is three years after the date on which the application was filed), and ending November 8, 2011 (the date the patent was issued). The Office has excluded from B Delay the number of days corresponding to the period beginning on November 13, 2009 (the date on which a Request for Continued Examination was first filed) and ending on November 8, 2011 (the date the patent was issued). However, this entire period should not be excluded from B delay because it does not correspond in its entirety to continued examination. The Notice of Allowance Action mailed June 24, 2011, closed examination of the application on that date. Section 154(b)(1)(B)(i) of Title 35 excludes from B Delay "time consumed by continued examination of the application. The statute does not provide for exclusion from B Delay of time from the mailing of a Notice of Allowance until issuance (a period during which continued examination did not occur).

Excerpt taken from "Response to Decision on Request for Reconsideration of Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction", filed February 24, 2012, p. 2.

STATUTE AND REGULATION

35 U.S.C. § 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999¹ (AIPA) provides that:

ADJUSTMENT OF PATENT TERM. -

(1) PATENT TERM GUARANTEES. -

(A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to -

(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after -

(I) the date on which an application was filed under section 111(a) of this title; or

(II) the date on which an international application fulfilled the requirements of section 371 of this title;

(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

(iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.

(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to

¹ Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

issue a patent within 3 years after the actual filing date of the application in the United States, not including -

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to -

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181;
or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. -

(A) IN GENERAL. - To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

The implementing regulation, 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(3) Act on an application not later than four months after the date of a decision by the Board of Patent Appeals and Interferences under 35 U.S.C. 134 or 135 or a decision by a Federal court under 35 U.S.C. 141, 145, or 146 where at least one allowable claim remains in the application; or

(4) Issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied.

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including²:

²
U.S.C. 132(b);

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

In pertinent part, 37 CFR § 1.703 provides for calculation of the periods, as follows:

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(2) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(3) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply in compliance with § 1.113(c) was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(4) The number of days, if any, in the period beginning on the day after the date that is four months after the date an appeal brief in compliance with § 41.37 of this title was filed and ending on the date of mailing of any of an examiner's answer under § 41.39 of this title, an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(5) The number of days, if any, in the period beginning on the day after the date that is four months after the date of a final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145 or 146 where at least one allowable claim remains in the application and ending on the date of mailing of either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first; and

(6) The number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods³:

37 CFR 1.703(f) provides that:

The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods

³ (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2)(i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3)(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

OPINION

Patentees' argument has again been considered, but is not persuasive. The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)⁴. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

⁴ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentees' argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted

as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes

to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)⁵. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

⁵ Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the

propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance.

Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures⁶ permit the filing of a request for continued examination under

⁶ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was first filed on November 13, 2009, and the patent issued by virtue of that request on November 8, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on November 13, 2009, and ending on November 8, 2011, is not included in calculating Office delay. In view thereof, it is concluded that the patent term adjustment of 396 days is correct.

CONCLUSION

The request for reconsideration of the revised patent term adjustment is denied.

In re Patent No. 8,055,833 Application No. 11/611,374 15

The Office acknowledges that patentees previously submitted the \$200 fee set forth in §1.18(e) on application for patent term adjustment filed January 6, 2012. As this request pertains only to the over 3-year delay issue raised in the application for patent term adjustment, no additional fees are required. Deposit account 06-1050 will be refunded \$200.00, accordingly.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and ninety-six (396)** days.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, (571) 272-3222.



Anthony Knight
Director
Office of Petitions

Enclosure: Draft Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,055,833 B2

DATED : Nov. 8, 2011

INVENTOR(S) : Danilak, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (393) days

Delete the phrase "by 393 days" and insert – by 396 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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Christopher M. Goff (27839)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

Mail Date: 08/03/2010

Applicant : Thomas M. Ales III : DECISION ON REQUEST FOR
Patent Number : 7642396 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/611,435 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/15/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **392** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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180 Pine Avenue North
Oldsmar FL 34677

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Paul J. Rickards :
Application No. 11/611,471 : **DECISION ON PETITION**
Filed: December 15, 2006 :
Attorney Docket No. **1673.09** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2011, to revive the above-identified application.

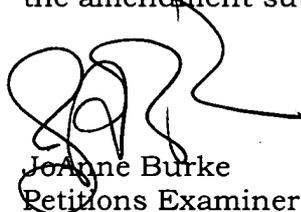
The petition is **DISMISSED AS MOOT**.

On October 19, 2011, the Office mailed a Notice of Non-Compliant Amendment (Notice) which applicant was given one (1) month or thirty (30) days whichever is longer to reply from the mail date the Notice. Petitioner has filed a response in the form of an Request for Continued Examination (RCE) and an amendment. Therefore, the instant application is not held abandoned and the petition is deemed unnecessary.

Accordingly, since the petition is deemed to be unnecessary the \$930 petition fee paid by way of credit card with the instant petition will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to Technology Center AU 3767 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-18-12

TO SPE OF : ART UNIT 1745

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/611564 Patent No.: 8012284

CofC mailroom date: 11-01-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The amendment to Column 10 will not be entered since
it fails to show the FSO2 group at the beginning of the chain.

SPE /Philip C Tucker/

Art Unit 1745

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11611602	
Filing Date	15-Dec-2006	
First Named Inventor	Alexander Harmon	
Art Unit	1632	
Examiner Name	MAGDALENE SGAGIAS	
Attorney Docket Number	026038.0217PTUS	
Title	COMPOSITIONS AND METHODS FOR INHIBITING ADVERSE IMMUNE RESPONSE IN HISTOCOMPATIBILITY-MISMATCHED TRANSPLANTATION	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32042 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		27777 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Scott A. Chambers/	
Name	Scott A. Chambers	
Registration Number	37573	



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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Decision Date : February 14, 2012

In re Application of :

Alexander Harmon

Application No : 11611602

Filed : 15-Dec-2006

Attorney Docket No : 026038.0217PTUS

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27777 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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

**MAILED
MAY 10 2011
OFFICE OF PETITIONS**

In re Application of :
Glassman et al. : **DECISION ON PETITION**
Application No. 11/611,661 : **TO WITHDRAW**
Filed: December 15, 2006 : **FROM RECORD**
Attorney Docket No. BB1857USNA (2079) :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2011.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney was revoked by the assignee of record on March 29, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020
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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: 061715	Patent Number: 7,665,003
Filing Date (or 371(b) or (f) Date): 12-15-2006	Issue Date: 2-16-2010
First Named Inventor: Jian Shen	
Title: METHOD AND DEVICE FOR TESTING MEMORY	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /Nicholas J. Pauley/	Date 08-02-2010
Name (Print/Typed) Nicholas J. Pauley	Registration Number 44,999

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 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.

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.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

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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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 08/16/2010

Applicant : Jian Shen : DECISION ON REQUEST FOR
Patent Number : 7665003 : RECALCULATION of PATENT
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/611,715 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/15/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **488** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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K&L Gates, LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

MAILED

SEP 13 2010

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

In re Application of
Kevin D. Dobson, et. al.
Application No. 11/611, 717
Filed: December 15, 2006
Attorney Docket No. 51281-00025

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed July 28, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because a review of the file record shows that Louis C. Cullman and the attorneys/agents associated with Customer Number 45200 do not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable¹.

Also, petitioner has not made the statements that "I/We have 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 "I/We have notified the client of any responses that may be due and the time frame within which the client must respond"².

Additionally, the request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

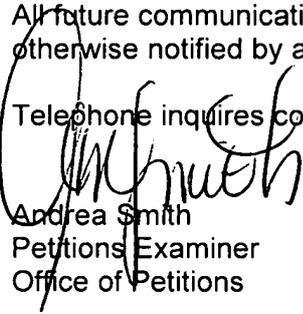
¹ The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34.

² Petitioner is required to deliver all papers and property to which the client is entitled. See 37 CFR 10.40(a) and USPTO Form No. PTO/SB/83.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant³.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

cc: University of Delaware
210 Hullinen Hall
Newark, DE 19716

³ This application is abandoned by operation of the law for failure to respond to the outstanding Office action mailed on March 3, 2010.



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SEP 10 2010

OFFICE OF PETITIONS

GUNTIN MELES & GUST, PLC (MOT)
304 INDIAN TRACE #750
WESTON, FL 33326

In re Application of :
Isam R. Makhoulouf, et al. :
Application No. 11/611,725 : ON PETITION
Filed: December 15, 2006 :
Attorney Docket No.: 7463-293 (CS29772ML) :

This is a decision in response to the petition under 37 CFR 1.137(b), filed July 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 25, 2010. A Notice of Abandonment was subsequently mailed on June 17, 2010. On July 19, 2010, the present petition was filed.

Petitioners request that the application be revived for consideration of a Request for Continued Examination (RCE) under 37 CFR 1.114. However, in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the \$1,510 issue fee is being charged to counsel's deposit account as authorized.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on July 19, 2010, be applied towards the issue fee required by the new Notice of Allowance.

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

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

The application file is being forwarded to Technology Center AU 2618 for further processing of the request for continued examination under 37 CFR 1.114 filed July 19, 2010.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RANDALL S. VAAS
600 NORTH US HIGHWAY 45
LIBERTYVILLE, IL 60048



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SEP 09 2010

OFFICE OF PETITIONS

GUNTIN MELES & GUST, PLC (MOT)
304 INDIAN TRACE #750
WESTON, FL 33326

In re Application of :
Isam R. Makhlouf, et al. :
Application No. 11/611,725 : ON PETITION
Filed: December 15, 2006 :
Attorney Docket No.: 7463-293 (CS29772ML) :

This is a decision in response to the petition under 37 CFR 1.137(b), filed July 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 25, 2010. A Notice of Abandonment was subsequently mailed on June 17, 2010. On July 19, 2010, the present petition was filed.

Petitioners request that the application be revived for consideration of a Request for Continued Examination (RCE) under 37 CFR 1.114. However, in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the \$1,510 issue fee is being charged to counsel's deposit account as authorized.

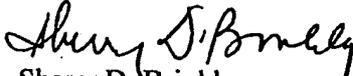
The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on July 19, 2010, be applied towards the issue fee required by the new Notice of Allowance.

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

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

The application file is being forwarded to Technology Center AU 2618 for further processing of the request for continued examination under 37 CFR 1.114 filed July 19, 2010.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RANDALL S. VAAS
600 NORTH US HIGHWAY 45
LIBERTYVILLE, IL 60048



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DAVIS WRIGHT TREMAINE LLP - San Francisco
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

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OFFICE OF PETITIONS

In re Application of :
Desai et al. :
Application No. 11/611,741 :
Filed: December 15, 2006 :
Attorney Docket No. 0084495-004US8 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2011, 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 timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 15, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

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 to item (1), the examiner has determined that the terminal disclaimer is not approved. An advisory action accompanies this decision.

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

Enclosure: Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

11/611,741

Applicant(s)

DESAI ET AL.

Examiner

KENNEDY SCHAETZLE

Art Unit

3766

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires 3 months from the mailing date of the final rejection.

b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) They raise new issues that would require further consideration and/or search (see NOTE below);

(b) They raise the issue of new matter (see NOTE below);

(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. Other: See Continuation Sheet.

/Kennedy J. Schaeztle/
Primary Examiner, Art Unit 3766

Continuation of 13. Other: It has been determined that the language (155 and 156) makes the TD indefinite as those statutes do not cover the same rights. Please use the form at the end of Chapter 1400 or the form paragraphs in 1490, or language that is clear and complies with the TD rule.



UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVIS WRIGHT TREMAINE LLP - San Francisco
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

MAILED

SEP 06 2011

In re Application of : **OFFICE OF PETITIONS**
Desai et al :
Application No. 11/611,741 : DECISION ON PETITION
Filed: December 15, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 0084495-004US8 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 17, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application,

the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Further, a review of the record shows that petitioner included the incorrect filing date for application no. 08/482,936. The correct filing date for application no. 08/482,936 is June 7, 1995, not October 5, 1994.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition under 37 CFR 1.78(a)(3) and either a signed supplemental Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement and including the correct filing date, are 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 Charlema Grant at (571) 272-3215.



Christopher Bottorff
Petition Examiner
Office of Petitions



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DAVIS WRIGHT TREMAINE LLP - San Francisco
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of :
Desai et al. :
Application No. 11/611,741 :
Filed: December 15, 2006 :
Attorney Docket No. 0084495-004US8 :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2012, 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 timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 15, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

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 to item (1), the examiner has determined that the terminal disclaimer is not approved. An advisory action accompanies this decision.

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
Attorney Advisor
Office of Petitions

Enclosure: Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

11/611,741

Applicant(s)

DESAI ET AL.

Examiner

KENNEDY SCHAETZLE

Art Unit

3766

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2012 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires 3 months from the mailing date of the final rejection.

b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. Other: See Continuation Sheet.

Continuation of 13. Other: The Terminal Disclaimer submitted Jan. 5, 2012 was not approved. The 3.73(b) certificate filed April 15, 2009 indicates ownership belongs to Jawahar M. Desai and not to Morvil Technology LLC. In order for the Office to accept the TD, the reel and frame numbers which indicate the location of assignee's ownership rights must be included on the Terminal Disclaimer. .



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505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of :
Desai et al :
Application No. 11/611,741 : DECISION ON PETITION
Filed: December 15, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 0084495-004US8 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 5, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

A proper benefit claim to a chain of prior applications must include proper references to each prior application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must have been made in each intermediate application in the chain of prior applications.

Upon further review of the record, application 09/922, 128 does not include a claim of priority to applications 09/213,508, 08/833,673 and 08/482,936. While it is noted a petition under 37 CFR 1.78 was filed in application 09/922,128, the petition was dismissed on January 27, 2012. As such there is a break in the chain and must be resolved with the filing of a grantable petition. In

addition applications 08/833,673 and 08/482, 936 fail to claim priority to application no. 07/726,035.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a signed supplemental Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

By mail: Mail Stop PETITIONS
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 Alexandria, VA 22313-1450

By hand: Customer 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 Charlema Grant at (571) 272-3215.


Christopher Bottorff
Petition Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/5/2011

TO SPE OF : ART UNIT 2611 David Payne 2011

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/611 744 Patent No.: 7787559

CofC mailroom date: 3/31/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

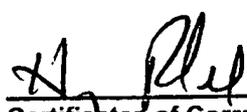
Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

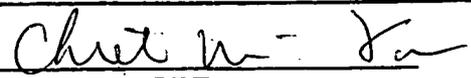
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____



SPE 2611
Art Unit



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

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of :
Liu et al. :
Application No. 11/611,751 : ON APPLICATION FOR
Filed: December 15, 2006 : PATENT TERM ADJUS
Docket No. 146392005501 :

This is in response to the "APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. 1.705," filed November 29, 2011.

The request for review of the patent term adjustment is **GRANTED**
to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the
correct Patent Term Adjustment (PTA) determination at the time
of the mailing of the notice of allowance is **zero (0) days**. A
copy of the updated PAIR screen, showing the correct
determination, is enclosed.

On August 29, 2011, the Office mailed the Determination of
Patent Term Adjustment under 35 U.S.C. 154(b) in the above-
identified application. The Notice stated that the patent term
adjustment is 71 days. On November 29, 2011, applicants
submitted the instant petition. Applicants disclose the Office
failed to enter a 7 day reduction in connection with applicants
filing of a supplemental amendment on December 19, 2008 and
applicants argue no reduction is in order in connection with the
filing of a request for continued examination (RCE) on November
29, 2010.

A review of the patent term adjustment calculations for the
above-identified application reveals that the Office failed
enter a reduction for the supplemental amendment filed on
December 19, 2008. After applicants filed a reply on December
12, 2008 to a final Office action, applicants submitted a
supplemental reply or paper in the form of an amendment on

December 19, 2008. The record does not support a conclusion that the examiner expressly requested the filing of the supplemental amendment. Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by 7 days pursuant to 37 CFR 1.704(c)(8), counting the number of days beginning on the day after the date the initial reply was filed, December 13, 2008, and ending on the date that the supplemental amendment was filed, December 19, 2008. Accordingly, a period of reduction of 7 days will be entered.

Applicants dispute the period of reduction of 2 days entered for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b) in connection with the filing of a RCE on November 29, 2010. This reduction has been reconsidered, and it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. § 21(b) is not warranted. Accordingly, the period of reduction of 2 days is being removed.

The Office has discovered three additional instances of Applicant delay. After applicants filed a reply (RCE) on November 29, 2010 to a Notice of Allowance, applicants submitted three supplemental replies or papers. On December 6, 2010, applicants filed an amendment. On December 13, 2010, applicants filed another amendment. On June 16, 2011, applicants filed an Information Disclosure Statement (IDS). The record does not support a conclusion that the examiner expressly requested the filing of the amendments or the IDS. Further, a review of the IDS, filed June 16, 2011, reveals that applicants did not include a statement under 37 CFR 1.704(d).

Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by 199 days pursuant to 37 CFR 1.704(c)(8), counting the number of days beginning on the day after the date the initial reply was filed, November 30, 2010, and ending on June 16, 2011, the date that the last supplemental paper, the IDS, was filed. (The delays associated with the filing of the December 6, 2010 and December 13, 2010 amendments are subsumed within the 199 day period of delay assessed for the filing of the IDS on June 16, 2011). Accordingly, a period of reduction of 199 days will be entered.

Total Applicant delay is 286 (20+31+1+7+28+199) days.

In view thereof, the correct patent term adjustment at the time of mailing of the notice of allowance is zero (0) days (153 days of Office delay - 286 days of Applicant delay).

The Office acknowledges receipt of the required \$200.00 fee under 37 CFR 1.18(e) is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR screen

11/611,751

**REDUCED-VISCOSITY CONCENTRATED PROTEIN
FORMULATIONS**

146392005501

01-24-
2012::08:40:15**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 11/611,751

Filing or 371(c) Date:	12-15-2006	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	153
A Delays:	153	PTO Manual Adjustments:	-204
B Delays:	0	Applicant Delays:	82
C Delays:	0	Total PTA Adjustments:	0

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
137	01-24-2012	Adjustment of PTA Calculation by PTO		2	0
136	01-24-2012	Adjustment of PTA Calculation by PTO		202	0
125	08-29-2011	Mail Notice of Allowance	153		110
124	08-25-2011	Office Action Review			0
123	08-25-2011	Office Action Review			0
122	08-25-2011	Issue Revision Completed			0
121	08-25-2011	Document Verification			0
120	08-25-2011	Notice of Allowance Data Verification Completed			0
119	08-24-2011	Reasons for Allowance			0
118	08-24-2011	Allowability Notice			0
117	06-16-2011	Information Disclosure Statement considered			0
116	11-29-2010	Information Disclosure Statement considered			0
115	06-16-2011	Information Disclosure Statement (IDS) Filed			0
114	06-16-2011	Information Disclosure Statement (IDS) Filed			0
113	12-13-2010	Preliminary Amendment			0
112	12-06-2010	Preliminary Amendment			0
111	11-29-2010	Information Disclosure Statement (IDS) Filed			0
110	11-29-2010	Request for Continued Examination (RCE)		2	105

109	11-30-2010	Disposal for a RCE / CPA / R129	0
108	11-29-2010	Information Disclosure Statement (IDS) Filed	0
107	11-29-2010	Workflow - Request for RCE - Begin	0
106	08-30-2010	Export to Initial Data Capture	0
105	08-27-2010	Mail Notice of Allowance	0
104	08-26-2010	Issue Revision Completed	0
103	08-25-2010	Allowed Case Returned to the Examiner for Clerical Processing	0
102	08-25-2010	Document Verification	0
101	08-25-2010	Notice of Allowance Data Verification Completed	0
100	08-23-2010	Allowability Notice	0
99	08-10-2010	Information Disclosure Statement considered	0
98	08-11-2010	Date Forwarded to Examiner	0
97	08-10-2010	Amendment Submitted/Entered with Filing of CPA/RCE	0
96	08-10-2010	Reference capture on IDS	0
95	08-10-2010	Information Disclosure Statement (IDS) Filed	0
94	08-10-2010	Request for Continued Examination (RCE)	0
93	08-11-2010	Disposal for a RCE / CPA / R129	0
92	08-10-2010	Information Disclosure Statement (IDS) Filed	0
91	08-10-2010	Workflow - Request for RCE - Begin	0
90	08-05-2010	Finished Initial Data Capture	0
89	06-22-2010	Printer Rush- No mailing	0
88	06-22-2010	Pubs Case Remand to TC	0
87	05-14-2010	Export to Initial Data Capture	0
86	05-10-2010	Mail Examiner's Amendment	0
85	05-10-2010	Mail Notice of Allowance	0

84	05-08-2010	Issue Revision Completed		0
83	05-08-2010	Document Verification		0
82	05-08-2010	Notice of Allowance Data Verification Completed		0
81	05-08-2010	Examiner's Amendment Communication		0
80	05-06-2010	Examiner Interview Summary Record (PTOL - 413)		0
79	05-08-2010	Allowability Notice		0
78	04-08-2010	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED		0
77	04-08-2010	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED		0
76	03-13-2010	Paralegal TD Not accepted		0
75	03-13-2010	Paralegal TD Not accepted		0
74	02-23-2010	Mail Advisory Action (PTOL - 303)		0
73	02-19-2010	Advisory Action (PTOL-303)		0
72	02-07-2010	Date Forwarded to Examiner		0
71	02-04-2010	Amendment after Final Rejection		0
70	11-04-2009	Mail Final Rejection (PTOL - 326)		0
69	11-03-2009	Final Rejection		0
68	07-23-2009	Information Disclosure Statement considered		0
67	07-23-2009	Reference capture on IDS		0
66	07-23-2009	Information Disclosure Statement (IDS) Filed	0	64
65	08-27-2009	Date Forwarded to Examiner		0
64	07-23-2009	Response after Non-Final Action	28	61
63	07-23-2009	Request for Extension of Time - Granted		0
62	07-23-2009	Information Disclosure Statement (IDS) Filed		0
61	03-25-2009	Mail Non-Final Rejection		0
60	03-24-	Non-Final Rejection		0

	2009		
59	12-12-2008	Information Disclosure Statement considered	0
58	01-15-2009	Paralegal TD Not accepted	0
57	01-15-2009	Paralegal TD Not accepted	0
56	01-15-2009	Paralegal TD Not accepted	0
55	12-12-2008	Terminal Disclaimer Filed	0
54	12-12-2008	Terminal Disclaimer Filed	0
53	12-19-2008	terminal disclaimer fee paid	0
52	01-15-2009	Date Forwarded to Examiner	0
51	12-19-2008	Supplemental Response	0
50	12-12-2008	Reference capture on IDS	0
49	12-12-2008	Information Disclosure Statement (IDS) Filed	0
48	12-23-2008	Date Forwarded to Examiner	0
47	12-19-2008	Amendment Submitted/Entered with Filing of CPA/RCE	0
46	12-23-2008	Date Forwarded to Examiner	0
45	12-12-2008	Request for Continued Examination (RCE)	1 39
44	12-23-2008	Disposal for a RCE / CPA / R129	0
43	12-12-2008	Request for Extension of Time - Granted	0
42	12-12-2008	Information Disclosure Statement (IDS) Filed	0
41	12-12-2008	Workflow - Request for RCE - Begin	0
39	09-11-2008	Mail Final Rejection (PTOL - 326)	0
38	09-10-2008	Final Rejection	0
36	07-07-2008	Change in Power of Attorney (May Include Associate POA)	0
35	07-03-2008	Correspondence Address Change	0
34	07-03-2008	Date Forwarded to Examiner	0

33	06-06-2008	Response after Non-Final Action	31	31
32	06-06-2008	Request for Extension of Time - Granted		0
31	02-06-2008	Mail Non-Final Rejection		0
30	02-04-2008	Non-Final Rejection		0
27	11-16-2007	Information Disclosure Statement considered		0
26	12-15-2006	Information Disclosure Statement considered		0
25	11-16-2007	Information Disclosure Statement (IDS) Filed	0	23
24	11-30-2007	Date Forwarded to Examiner		0
23	11-16-2007	Response to Election / Restriction Filed	20	17
22	11-16-2007	Request for Extension of Time - Granted		0
21	11-16-2007	Reference capture on IDS		0
20	11-16-2007	Information Disclosure Statement (IDS) Filed		0
18	11-16-2007	Information Disclosure Statement (IDS) Filed		0
17	07-27-2007	Mail Restriction Requirement		0
16	07-23-2007	Restriction/Election Requirement		0
15	05-24-2007	PG-Pub Issue Notification		0
14	05-15-2007	Case Docketed to Examiner in GAU		0
13	03-22-2007	IFW TSS Processing by Tech Center Complete		0
12	12-15-2006	Reference capture on IDS		0
11.7	12-15-2006	Information Disclosure Statement (IDS) Filed		0
11	12-15-2006	Information Disclosure Statement (IDS) Filed		0
10	02-12-2007	Application Dispatched from OIPE		0
9	02-13-2007	Application Is Now Complete		0
8	12-15-2006	Claim Preliminary Amendment		0
7	02-06-2007	Additional Application Filing Fees		0

6	01-18-2007	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	01-03-2007	Cleared by OIPE CSR	0
3	01-03-2007	CASE CLASSIFIED BY OIPE	0
2	12-22-2006	IFW Scan & PACR Auto Security Review	0
1	12-15-2006	Initial Exam Team nn	0
0.5	12-15-2006	Filing date	0

Close Window



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RSW IP Law
IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

In re Application of
CHARBONEAU, DAVID PAUL et al.
Application No.: 11/611,906
Filing or 371(c) Date: December 18, 2006
Attorney Docket Number: JP920060141US1

: FEB 08 2011
: DECISION ON
: PETITION
:

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on January 13, 2011.

This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed September 21, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on January 7, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on December 20, 2010. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of :
MENON :
Application No. 11/611,926 : ON PETITION
Filed: December 18, 2006 :
Attorney Docket No. 62748US002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 21, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1777 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Tomas W. Glinka, et al. :
Application No. 11/611,997 : **DECISION ON PETITION**
Filed: December 18, 2006 :
Attorney Docket No. AH06381US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed March 19, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$1,620, 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 \$2,350 extension of time fee submitted with the petition on October 18, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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MARGER JOHNSON & MCCOLLOM/PARC
210 MORRISON STREET
SUITE 400
PORTLAND OR 97204

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Patent No. 8,023,654	:	
Issue Date: September 20, 2011	:	
Application No. 11/612,001	:	DECISION ON PETITION
Filed: December 18, 2006	:	UNDER 37 CFR 3.81
Attorney Docket No. 20060738-US-NP-9841-023	:	

This is a decision on the Petition to Correct Assignment Information on Issued Patent, filed November 28, 2011, requesting correction of the Title Page of the subject patent, via a Certificate of Correction under 37 CFR 1.323. The petition has been treated as a petition under 37 CFR 3.81. A completed Certificate of Correction form accompanied the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner states "It is requested to correct the name of the assignee of the above patent under 37 CFR 3.81(b) to include a second Assignee, Samsung Electronics Co., Ltd.". Accordingly, petitioner requests that a Certificate of Correction be issued to add the erroneously omitted assignee to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The Petition was accompanied by a Certificate of Correction, the requisite \$100.00 fee (Fee Code 1811) as set forth under in 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i). Further, Office assignment records are consistent with the requested correction. Accordingly, as the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form PTO-1050 that accompanied the present Petition and Request.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

US Patent 8,023,654
Application Serial No. 11/512,001
Decision on Petition Under 37 CFR 3.81

Page 2

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent 8,023,654.

A handwritten signature in black ink, appearing to read 'BWB', with a long horizontal line extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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Date

: *December 9, 2011*

Patent No. :8023654
Ser. No. :11612001
Inventor(s) :Paul J. Stewart, et al
Issued :September 20, 2011
Title :SECURING MULTIMEDIA NETWORK COMMUNICATION

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A.** the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B.** a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C.** a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

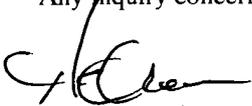
By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Electronic Filing uspto.gov/ebc/index.html
(must be registered as an e-filer)
Support 1-866-217-9197 571-272-4100

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at 571-272-9005.



For Mary Diggs
Decisions & Certificates
of Correction Branch

(703) 756-1580 or (571) 272-9005

Marger, Johnson & McCollom, P.C.
210 SW Morrison Street, Ste 400
Portland, OR 97204

/arg



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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Patent No. 7,777,317 :
Issue Date: August 17, 2010 :
Application No. 11/612,213 :
Filed: December 18, 2006 :
Attorney Docket No. 7331VP-1 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 22, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

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

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

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.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions



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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of :
James Kefeng Zhou et al. :
Application No. 11/612,290 : **DECISION ON PETITION**
Filed: December 18, 2006 :
Attorney Docket No. **CS28227STARS** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

There is no indication that the person signing the 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 Stephen H. Shaw appearing on the petition shall constitute a representation to the United States Patent and trademark Office that petitioner is authorized to represent the particular party on whose behalf he acts. If, Stephen H. Shaw desires to be acknowledged as the attorney or record in the file, the appropriate power of attorney documents must be submitted.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, 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) 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 JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a large, sweeping flourish extending upwards and to the right.

JoAnne Burke
Petitions Examiner
Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11612341
Filing Date	18-Dec-2006
First Named Inventor	KAZUNARI HATADE
Art Unit	2815
Examiner Name	JOSE DIAZ
Attorney Docket Number	300678US2DIV
Title	SEMICONDUCTOR DEVICE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Eckhard H. Kuesters/
Name	Eckhard H. Kuesters
Registration Number	28870



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

Decision Date : January 11, 2012

In re Application of :

KAZUNARI HATADE

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11612341

Filed : 18-Dec-2006

Attorney Docket No : 300678US2DIV

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 11, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2815 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Date Mailed: October 25, 2010
Patent No. : 7,802,951 B2
Ser. No. : 11/612356
Issued : September 28, 2010
Inventor(s) : Joel Houck, et al.
Title ANTI-ROTATIONAL ADHESIVE INSERT

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneus*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(h) (currently \$130);**
- B.** a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C.** a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley

For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Vierra Magen Marcus & DeNiro LLP
575 Market Street, Ste. 2500
San Francisco, CA 94105

MD/mt



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Vierra Magen Marcus & DeNiro LLP
575 Market Street, Suite 2500
San Francisco CA 94105

MAILED
NOV 12 2010
OFFICE OF PETITIONS

Patent No. 7,802,951 :
Issue Date: September 28, 2010 :
Application No. 11/612,356 : **ON PETITION**
Filed: December 18, 2006 :
Attorney Docket No. SSTAS-61000US0 :

This is a decision on the petition filed October 15, 2010, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

In re Patent No. 7,756,770 :
Issue Date: July 13, 2010 :
Application No. 11/612,375 :
Filed: December 18, 2006 :
Attorney Docket No. 11483-179/KL :

DECISION ON PETITION

This is a decision on the Petition Under 37 CFR 1.183 To Correct Assignee Information On Issued Patent, filed on August 10, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee's name and residence. The Request is being treated as a Petition Under 37 CFR §3.81(b). A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name and residence on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,756,770
Application No. 11/612,375
Decision on Petition under 37 CFR 3.81

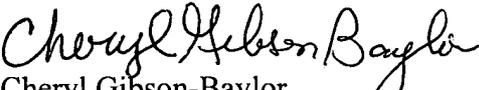
Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Since, petitioner originally submitted \$400.00 for the processing fee, the remainder of \$270.00 will be refunded to petitioner's deposit account. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,756,770.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

SEARCHED
SERIALIZED
INDEXED

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INDEXED



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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The Brill Law Office
2900 Gordon Avenue
Suite 100-38
Santa Clara CA 95051

MAILED
OCT 07 2010
OFFICE OF PETITIONS

In re Application of

Viljoen, et al.

Application No. 11/612,404

Filed: December 18, 2006

Attorney Docket No. SYMA0009

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), August 4, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability (the "Notice") mailed April 14, 2010. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on July 15, 2010. A Notice of Abandonment was mailed on July 30, 2010.

Corrected drawings were received on August 4, 2010.

The application is being forwarded to the Office of Data Management for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/21/11

TO SPE OF : ART UNIT: 3673 Attn: CUOMO PETER M (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/612405 Patent No.: 7805784

CofC Mailroom date: 01/12/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Please check Claim 15

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

/Peter M. Cuomo/

SPE
3673

Art Unit



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

Guy Kevin Townsend
11750 Carmel Drive
Lakewood CO 80215

MAILED

JAN 03 2012

In re Application of :
Ronald John Rosenberger :
Application No. 11/612,467 :
Filed: December 18, 2006 :
Attorney Docket No. **CREBITCIPIRR** :

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 4, 2011.

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 to 37 CFR 10.40.

The request was signed by Guy Kevin Townsend on behalf of all attorneys of record who are associated with Customer Number 77079.

All attorneys/agents associated with Customer Number 77079 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 all future correspondence will be directed to the first named inventor Ronald John Rosenberger at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Ronald John Rosenberger
6 Partridge Court
Newtown, PA 18940



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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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/612,467	12/18/2006	Ronald John Rosenberger	CREBITCIP1RR

CONFIRMATION NO. 6185

POWER OF ATTORNEY NOTICE



0000000051732295

77079
Guy Kevin Townsend
11750 Carmel Drive
Lakewood, CO 80215

Date Mailed: 12/29/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2011.

- 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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SHAI OPHIR
P.O. BOX 12
HANOAR ST.
MOSHAV EIN-VERED 40696
ISRAEL

MAILED
JAN 10 2011
OFFICE OF PETITIONS

In re Application of :
Shai Ophir et al :
Application No. 11/612,492 : DECISION ON PETITION
Filed: December 19, 2006 :
Attorney Docket No. :

This is a decision on the petition, filed November 9, 2010, which is being treated as a renewed petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed November 26, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on July 8, 2009.

Office records show the November 26, 2008 non-final Office action was returned to the USPTO on December 12, 2008 due to insufficient address. The country name, Israel, has been added to the last line of the address as it appears on the February 1, 2008 filing receipt.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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

This application is being referred to the Technology Center technical support staff of Art Unit 2159 for re-mailing the Office action of November 26, 2008. The period for reply will run from the mailing date of the Office action.


Irvin Dingle
Petitions Examiner
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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MAILED

OCT 03 2011

OFFICE OF PETITIONS

SEAGER, TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403

In re Application of :
Toby Freyman, et al. :
Application No. 11/612,542 : DECISION ON PETITION
Filed: December 19, 2006 :
Attorney Docket No. 1001.2442101 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 7, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3761 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/AMW/

April M. Wise
Petitions Examiner
Office of Petitions

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

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

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

[RoChaun Johnson]

For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0470 or (703) 756-1814

JOSEPH P. KINCART
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BURNSWICK, NJ 08933-7003
RMJ



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/612,604	12/19/2006	Ronald E. Secrist	70204	6410
25212	7590	05/19/2011	EXAMINER	
DOW AGROSCIENCES LLC 9330 ZIONSVILLE RD INDIANAPOLIS, IN 46268			KUBELIK, ANNE R	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			05/19/2011	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):

fagdock@dow.com



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

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

MAY 19 2011

In re Application of: :
Secrist et al. :
Serial No.: 11/612,604 : PETITION DECISION
Filed: December 19, 2006 :
Attorney Docket No.: 70204 :

This is in response to the petition under 37 CFR § 1.59(b), filed May 2, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Declaration Under 37 CFR 1.132 submitted to the Patent Office on May 2, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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P.O. Box 1450
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SCHOX PLC
500 3rd Street, Suite 515
San Francisco CA 94107

MAILED
JUL 21 2011
OFFICE OF PETITIONS

In re Application of :
David F. Lemmerhirt :
Application No. 11/612,656 : DECISION ON PETITION
Filed: December 19, 2006 :
Attorney Docket No. SONE-P09 :

This is a decision on the Petition to Expunge, filed June 27, 2011 which is being treated as a petition under 37 CFR 1.59(b) to expunge information from 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 expunge information from an application. In this instance, the fee required by law is set forth under 37 CFR 1.59(b) which requires a fee under § 1.17(g), currently \$200.

The petition in the above identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

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

By mail:

Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:

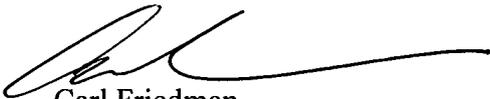
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:

(571) 273-8300

ATTN: Office of Petitions

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal flourish extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA VA 22301

MAILED
FEB 07 2011
OFFICE OF PETITIONS

In re Application of :
Frank AVELLANET et al. :
Application No. 11/612,690 : **DECISION ON PETITION**
Filed: December 19, 2006 :
Attorney Docket No. **10455.3815** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 30, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 31, 2009.

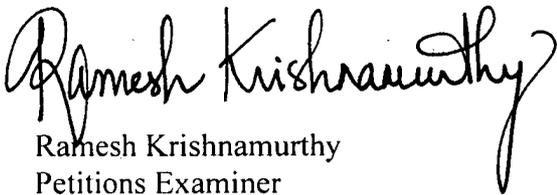
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of July 30, 2009 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 the undersigned at (571) 272-2783.

This application is being referred to Technology Center AU 3766 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink that reads "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, looping initial "R".

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/18/2011

TO SPE OF : ART UNIT 2814 Wael Fahmy (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/612734 Patent No.: 7705472

CofC mailroom date: 3/17/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

[Signature]

Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved** All changes apply.
- Approved in Part** Specify below which changes do not apply.
- Denied** State the reasons for denial below.

Comments: TYPO ON ONE OF INVENTOR NAMES

[Signature]

SPE 2814
Art Unit



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Alexandria, VA 22313-1450
www.uspto.gov

September 22, 2011

CHOATE, HALL & STEWART, LLP
Patent Department
Two International Place
Boston MA 02110

In re Application of :
Deschatelets, Pascal et,el : **DECISION ON PETITION**
Application No. 11/612,751 :
Filed: 12/19/2006 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 2005284-0046 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 19, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



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CHOATE, HALL & STEWART, LLP
Patent Department
Two International Place
Boston MA 02110

MAILED
NOV 02 2011
OFFICE OF PETITIONS

In re Patent No. 8,043,609 :
Issue Date: October 25, 2011 :
Application No.: 11/612,751 : NOTICE
Filed: December 19, 2006 :
Attorney Docket No.: 2005284-0046 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed October 7, 2011.

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

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. The change of status to a large entity has been entered and made of record.

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

This file is being forwarded to the Files Repository.

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

Shirene Willis Brantley
Shirene Willis Brantley
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20004-2400

MAILED

NOV 15 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Shuichi Tamaki :
Application No. 11/612,810 :
Filed: December 19, 2006 :
Attorney Docket No. 076376.0595 :

This is a decision on the petition, filed November 15, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 11, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2861 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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

**FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 MAIN STREET
SUITE 1000
IRVINE CA 92614-6232**

**MAILED
DEC 13 2011
OFFICE OF PETITIONS**

In re Application of :
Amy R. Gurvey :
Application No. 11/612,854 : **DECISION ON PETITION**
Filed: December 19, 2006 : **TO WITHDRAW FROM RECORD**
Attorney Docket Number: 102079.0001US2 :
:

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 22, 2011.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Robert D. Fish on behalf of all attorneys of record who are associated with Customer Number 24392.

All attorneys/agents associated with the Customer Number 24392 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed September 22, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Amy Gurvey
315 Highland Avenue
Upper Montclair, NJ 07043



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

Decision Date : February 14, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Alexander Harmon

ATTORNEY/AGENT OF RECORD

Application No : 11612872

Filed : 19-Dec-2006

Attorney Docket No : 026038.0218PTUS

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27777 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11612872	
Filing Date	19-Dec-2006	
First Named Inventor	Alexander Harmon	
Art Unit	1636	
Examiner Name	CATHERINE HIBBERT	
Attorney Docket Number	026038.0218PTUS	
Title	IN VITRO EXPANSION OF POSTPARTUM-DERIVED CELLS IN ROLLER BOTTLES	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32042 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		27777 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Scott A. Chambers/	
Name	Scott A. Chambers	
Registration Number	37573	



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

McMillan LLP
BROOKFIELD PLACE, Suite 4400
181 BAY STREET
TORONTO ON M5J 2T3 CA CANADA

MAILED

SEP 22 2011

OFFICE OF PETITIONS

In re Application of :
Ishak :
Application No. 11/612,875 : ON PETITION
Filed: March 12, 2007 :
Attorney Docket No. 74689-9 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 13, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned August 11, 2011 for failure to timely submit a proper reply to the final Office action mailed February 10, 2010. A petition for three month extension of time for reply was filed. This decision precedes Notice of Abandonment.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2491 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
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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**SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478**

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Dean HOMAN, et al :
Application No. 11/612,881 : **DECISION ON PETITION**
Filed: December 19, 2006 :
Attorney Docket No. 20.3011 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before July 28, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed April 28, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of \$1510 and Publication Fee of \$300; (2) the petition fee of \$1620; and (3) and the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition 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 the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent. .

/DCG/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: JONNA FLORES
SCHLUMBERGER TECHNOLOGY
CORPORATION HFE
200 GILLINGHAM LANE MD 9
SUGAR LAND, TX 77478



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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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John D. Gugliotta, P.E., Esq.
Patent, Copyright & Trademark Law Group, LLC
P.O. Box 506
Richfield OH 44286

MAILED

MAR 08 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Spivak :
Application No. 11/612,918 :
Filed: December 19, 2006 :
Attorney Docket No. SP-1986 :
For: METHOD AND SYSTEM FOR LED :
LIGHT THERAPY :

This is a decision on the petition under 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

This application became abandoned for failure to timely respond to the non-final Office action, mailed September 30, 2009, which set an extendable three month period for reply. No extension of time being obtained under 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on December 31, 2009. A Notice of Abandonment was mailed on April 29, 2010.

Applicant has submitted an amendment in reply to the September 30, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 30, 2009 non-final Office action, and the \$810.00 petition fee.

The petition is **GRANTED**.

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

After the mailing of this decision the application will be forwarded to Technology Center AU 3769 for consideration of the amendment filed on January 31, 2011.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: John D. Gugliotta, P.E, Esq.
Patent, Copyright & Trademark Law Group, LLC
4199 Kinross Lakes Parkway, Suite 275
Richfield OH 44286

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 2/6/12

DATE : 2/3/12

TO SPE OF : ART UNIT: 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/613,000 Patent No. 8,011,052

CofC mailroom date 1/26/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Ernest C. White, LIE

**Certificates of Correction Branch
703-756-1814 _____**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: Approved.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Joseph J. Hail, III/

3723

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 2/6/12

DATE : 2/3/12

TO SPE OF : ART UNIT: 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/613,000 Patent No. 8,011,052

CofC mailroom date 1/26/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Ernest C. White, LIE

**Certificates of Correction Branch
703-756-1814 _____**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: Approved.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Joseph J. Hail, III/

3723

SPE

Art Unit



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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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Mail Date: 08/04/2010

Applicant : Bradley Wayne Bartilson : DECISION ON REQUEST FOR
Patent Number : 7642755 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/613,014 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/19/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **241** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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

MAILED
NOV 08 2010

OFFICE OF PETITIONS

In re Application of :
Dennis Briggs : ON APPLICATION FOR
Application No. 11/613021 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 12/19/2006 :
Atty Docket No.: :
THR0039USDIV3 :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed June 18, 2010. Applicant submits that the proper patent term adjustment to be indicated on the patent is at least 686 days, not 555 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is

advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and *must* include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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

MAILED

JUL 20 2011

OFFICE OF PETITIONS

In re Application of :
Hegde et al. :
Application No. 11/613,027 : **DECISION ON PETITION**
Filed: December 19, 2006 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 026705-000312US :
:

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 5, 2011.

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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which 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 replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Christopher L. Willink, on behalf of all attorneys/agents of record who are associated with Customer Number 20350.

All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed March 30, 2011 that requires a reply.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Pavad Medical, Inc.
Attn: John F. Thompson, Esq.
826 Coal Creek Circle
Louisville, Colorado 80027

cc: KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834



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MAILED

SEP 09 2010

OFFICE OF PETITIONS

M. CARMEN & ASSOCIATES, PLLC
1201 RXR PLAZA
UNIONDALE, NY 11556

In re Application of
Hiroyuki Nagamatsu
Application No. 11/613,101
Filed: December 19, 2006
Attorney Docket No.: T-6679

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed July 19, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a Notice of Non-Compliant Amendment mailed April 28, 2009. A Notice of Abandonment was mailed on December 9, 2009. On July 19, 2010, the present petition was filed.

The petition is found to satisfy the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

Petitioner is reminded that the grant of a petition under 37 CFR 1.137 is not a determination that any reply is complete, since the petition may be granted if the reply appears to be *bona fide*. After revival of the application, the Examiner may, upon more detailed review, determine that the reply is lacking in some respect.

The application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on reply received July 19, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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**MARGER JOHNSON & MCCOLLOM/PARC
210 MORRISON STREET
SUITE 400
PORTLAND OR 97204**

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
De Bruyker et al. :
Application No. 11/613,159 : DECISION ON PETITION
Filed: December 19, 2006 :
Attorney Docket No. 20051961-US-NP-9841- :
021 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 10, 2010, as required by the Notice of Allowance and Fee(s) Due mailed August 10, 2010. Accordingly, the date of abandonment of this application is November 11, 2010. A Notice of Abandonment was mailed November 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions



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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100
TAIWAN, R.O.C.

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Patent of Ben-Hui Chen :
Patent No. 7,480,582 :
Issue Date: January 20, 2009 :
Application No. 11/613,178 :
Filing Date: December 19, 2006 :
Attorney Docket No. 23452-US-PA :

Letter

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) originally filed August 13, 2009.

The deficiency payment of \$1,420 is hereby accepted.

The change of status to large entity has been entered and made of record.

The file is being forwarded to Files Repository.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
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Alexandria, VA 22313-1450
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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100
TAIWAN, R.O.C.

MAILED

SEP 09 2010

OFFICE OF PETITIONS

In re Patent of Ben-Hui Chen :
Patent No. 7,480,582 :
Issue Date: January 20, 2009 : Letter
Application No. 11/613,178 :
Filing Date: December 19, 2006 :
Attorney Docket No. 23452-US-PA :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) originally filed August 13, 2009.

The deficiency payment of \$1,420 is hereby accepted.

The change of status to large entity has been entered and made of record.

The file is being forwarded to Files Repository.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
www.uspto.gov

DEC 09 2011
Innovation Division
Cantor Fitzgerald, L. P.
110 East 59th Street (6th Floor)
New York, NY 10022

In re Application of
Howard W. Lutnick et al.
Application No. 11/613,182
Filed: December 19, 2006
For: PRODUCTS AND PROCESSES FOR
PROCESSING INFORMATION IN A
MARKET FOR LIFE INSTRUMENTS

: DECISION ON THE PETITION
: REGARDING REQUEST TO
: WITHDRAW REQUIREMENT
: FOR RESTRICTION

Applicant's petition filed under 37 CFR 1.181, filed November 9, 2011, requests the supervisor to designate that the Examiner's Answer dated September 9, 2011 contains a new ground of rejection.

The petition is **DISMISSED**.

A review of the file record indicates that the examiner in this case issued a Final rejection that rejected all of the pending claims under 35 USC 102(b) and 103(a). Specifically, dependent claims 6-7 and 17-18 were rejected under 35 USC 103 as being obvious over Sakaue (used to reject claims independent claims 1 and 12 upon which the above-noted dependent claims were dependent) in view of Blackman. Blackman was a newly applied reference necessitated by the applicant's amendment which amended claims 6-7 and newly added claims 17-18. After an amendment that was filed with the appeal that rewrote claims 6-7 and 17-18 in independent form, the examiner maintained the rejection of these claims under 35 USC 103 over Sakaue in view of Blackman in the Examiner's Answer using virtually the identical language used in the above-noted Final rejection.

However, the applicant argues that because the examiner, in the Final rejection, only cites a single paragraph of Blackman ([0220]) in support of the rejection, and then in the Response to Argument section of the Examiner's Answer discusses Blackman in more detail by including a discussion of other paragraphs of the Blackman reference, that the Examiner's Answer is guilty of containing a new ground of rejection.

The examiner, recognizing that these additional passages were not explicitly recited in the Final rejection, makes an argument that these additional passages were near the originally cited paragraph and thus should have been reviewed by the applicant. The applicant indicates that it "is not applicant's responsibility to parse through all 46 pages

and 19 figures of the Blackman reference in an attempt to ascertain any additional meaning to the Examiner's statement: Blackman [0220]". This is true. A mere citation of a reference does not serve as a sufficient identification of any and all that is contained in the entirety of the reference. However, that is not what the situation is in this case. Besides explaining that the additional citations were nearby, the examiner also pointed to the originally cited paragraph above, that refers the reader to "...the use of a number of forms described below..." "used to change an existing agreement".

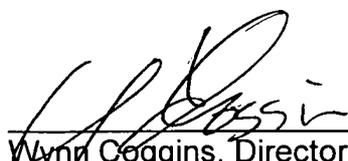
Therefore, the examiner is doing nothing more than citing a different portion of a reference to elaborate upon that which has been cited previously. And, which is additionally a portion of the reference that the original paragraph cited is indirectly directing the reader to investigate. A change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. MPEP 1207.03. In this case, it is clear that the additional passages cited by the examiner in the Response of Appellant's Arguments section of the Examiner's Answer are nothing more than an expanded treatment of the issues regarding the rejection raised by the appellant in the Arguments section of the Appeal Brief.

The Examiner's Answer dated September 9, 2011 does not contain a new ground of rejection.

The petition of November 9, 2011 is **DISMISSED**.

This application is being returned to the Board of Appeals to render a decision on the appeal.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.



Wynne Coggins, Director
Patent Technology Center 3600
(571) 272-5350

snm/snm: 12/7/11

SM



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P.O. BOX 1871
KNOXVILLE TN 37901

MAILED

FEB 15 2011

In re Application of : **OFFICE OF PETITIONS**
Sergey Gribok et al. :
Application No. 11/613,256 : DECISION ON PETITION
Filed: December 20, 2006 :
Attorney Docket No. **6233.US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 2011, 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 Corrected Application Papers (Notice), mailed November 26, 2010. The Notice set a period for reply of one (1) 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 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form specification, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management for normal course of business.



JoAnne Burke
Petitions Examiner
Office of Petitions



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Hovey Williams, LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,764,509 :
Issue Date: July 27, 2010 :
Application No. 11/613,378 :
Filed: December 20, 2006 :
Patentee(s): Jerry William Yancey :

ON PETITION

This is a decision on the petition under 37 CFR 3.81 filed August 18, 2010, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

Since the present request complies with the requirements of 37 CFR 3.81, the request is **GRANTED**.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions



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Paper No.

NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
Suite 200
PRINCETON NJ 08540

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Prasad et al. : DECISION ON PETITION
Application No. 11/613,407 :
Filed: December 20, 2006 :
Atty Docket No. NL-05-026 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 17, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action sent August 21, 2009. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective November 22, 2009. A courtesy Notice of Abandonment was sent on April 1, 2010.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2611 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed December 17, 2010.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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**EI Dupont De Nemours and Company
Legal Patent Records Center
Barley Mill Plaza 25/1122B
4417 Lancaster Pike
Wilmington, Delaware 19805**

**MAILED
FEB 15 2011
OFFICE OF PETITIONS**

In re Application of :
John E. SEIP et al. : DECISION GRANTING PETITION
Application No. 11/613,420 : UNDER 37 CFR 1.137(b)
Filed: 20 December 2006 :
Atty. Docket No.: CL3530USNA. :

This is a decision on the petition under 37 CFR 1.137(b), filed 4 January 2010, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to pay the Issue and Publication fees as required in the Notice of Allowance mailed 25 August 2009, which set a shortened statutory period of reply of three (3) months. The application became abandoned on 26 November 2009, with notification mailed 11 December 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) the issue and publication fees of \$1510.00, (2) a petition fee of \$1620.00, and (3) a Statement of unintentional delay. The fees are accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Office of Data Management.


David Bucci
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/613,453	12/20/2006	John S. Hartono	T-6855A	7778

34014 7590 04/29/2011
CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON, CA 94583-0806

EXAMINER

ARNETT, NICOLAS ALLEN

ART UNIT	PAPER NUMBER
3751	

MAIL DATE	DELIVERY MODE
04/29/2011	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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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

In re Application of:
HARTONO, JOHN S. et al
Appl. No.: 11/613,453
Filed: Dec. 20, 2003
For: APPARATUS FOR TRANSFERRING A
CRYOGENIC FLUID

:
:
: **DECISION ON PETITION**
: **TO EXPUNGE**
: **37 CFR 1.59**
:
:
:

This is a decision on the petition under 37 CFR 1.59 filed Oct. 8, 2010 to expunge information from the above identified application.

The petition is dismissed.

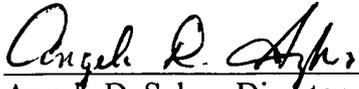
Petitioner requests that a draft response and amendment responsive to the Office action of July 8, 2010 was unintentionally submitted on October 8, 2010 in the above-identified application be expunged because the draft response contains proprietary material.

In the petition, petitioner states that the information submitted was unintentionally submitted but failed to allege that the failure to clearly identify the material and number of pages. However, the draft response of October 8, 2010 was properly signed and timely submitted. The examiner relied on the response of October 8, 2010 and issued a non-complaint letter on October 21, 2010 for failure to include the text of all pending claims. On October 25, 2010, the applicant provided a complete response with the text of all pending claims. The file record does not show any extraneous material filed on October 8, 2010. The petition is deficient because petitioner failed to provide complete identifying information for the papers to be expunged.

Petitioner may request reconsideration of the petition. Any such request must be resubmitted within two months of the mailing date of this decision and supply the omitted information or statements.

Any questions regarding this petition decision should be directed to Henry Yuen, Technology Center 3700 Special Programs Examiner at 571-272-4856.

The petition is dismissed.



Angela D. Sykes, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 21, 2010

TO SPE OF : ART UNIT 3635

SUBJECT : Request for Certificate of Correction for Appl. No.: 11613470 Patent No.: 7775009

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580**

Certificates of Correction Branch
703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____



SPE

3633

Art Unit



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

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Patent No. 7,615,346 : DECISION ON
Belly, et al. : REQUEST FOR RECONSIDERATION
Application No. 11/613,475 : of PATENT TERM ADJUSTMENT
Issue Date: November 10, 2009 : and
Filed: December 20, 2006 : NOTICE OF INTENT TO ISSUE
Attorney Docket No. CDS0192USDIV1 : CERTIFICATE OF CORRECTION

This is a decision on the "PETITION TO HAVE PATENT TERM ADJUSTMENT RECALCULATED", filed January 11, 2010, requesting that the patent term adjustment indicated on the above-identified patent be recalculated.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.**

On November 10, 2009, the instant application matured into U.S. Patent No. 7,615,346 with a patent term adjustment of two hundred thirty-one (231) days. Patentees filed the instant application for patent term adjustment on January 11, 2010 (January 10, 2010 fell on a Sunday). The Office determined a patent term adjustment of 231 days based upon 231 days of Office delay pursuant to 37 CFR 1.703(a)(1), reduced by zero (0) days of Applicant delay.

A review of the file reveals that Applicants should have been assessed delay of twenty-nine (29) days. The Office mailed a Notice of Allowance on May 19, 2010. In reply, Applicants filed an RCE on August 6, 2009, to which the Office responded by mailing another Notice of Allowance on September 3, 2009. Accordingly, pursuant to 37 CFR 1.704(c)(10), Applicant delay of 29 days should have been assessed.

In view thereof, the correct number of days of patent term adjustment is two hundred two (202) days (231 days of PTO delay, reduced by 29 days of Applicant delay).

Patent No. 7,615,346

Page 2

The \$200.00 fee set forth in 37 CFR 1.18(e) has been charged to Deposit Account No. 10-0750, as authorized.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred two (202)** days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.



Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,615,346 B2

DATED : November 10, 2009

INVENTOR(S): Belly et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 231 days.

Delete the phrase "by 231 days" and insert – by 202 days--



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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of :
Iman FOROUTAN :
Application No. 11/613,495 : **NOTICE UNDER 37 CFR 1.28**
Filed: December 20, 2006 :
Attorney Docket No. **MKSTAR.002C2** :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



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1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

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AUG 18 2010

In re Application of	:	OFFICE OF PETITIONS
Harris, et al.	:	
Application No. 11/613,526	:	DECISION
Filed: 20 December, 2006	:	
Attorney Docket No. CE15014R	:	

This is a decision on the petition filed on 17 June, 2010, to revive an application pursuant to 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 28 August, 2009, with reply due absent extension of time on or before 28 November, 2009.

The application went abandoned by operation of law after midnight 28 November, 2009.

The Office mailed the Notice of Abandonment 3 May, 2010.

On 17 June, 2010, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of an amendment, and made the statement of unintentional delay.

Application No. 11/613,526

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.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS 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).² 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.

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.³))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

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 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.

³ 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.

Application No. 11/613,526

The instant application is released to Technology Center 2618 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU 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. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL, MN 55133-3427

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of
Martin J. Vos
Application No. 11/613,543
Filed: December 20, 2006
Attorney Docket No. 62441US002

ON PETITION

This is a decision on the petition, filed January 10, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 6, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/613,554	12/20/2006	Martin J. Vos	62806US002	7964
32692	7590	01/07/2011	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			HARRIS, DOROTHY H	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			01/07/2011	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



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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of:
VOS, MARTIN J.
Application Serial No.: 11/613,554
Filed: December 20, 2006
For: **FREQUENCY CONTROL CIRCUIT FOR
TUNING A RESONANT CIRCUIT OF AN
UNTETHERED DEVICE**

DECISION
ON PETITION

This is a decision on the petition filed October 13, 2010 under 37 CFR § 1.181, requesting the Director to invoke his supervisory authority and withdraw the finality of the final Office action mailed August 13, 2010.

PERTINENT BACKGROUND

A first Office action was issued April 07, 2010 rejecting claims 1 and 12-14 under 35 USC 103(a) as being unpatentable over Yamanami et al (RE34,187) in view of Firestone (3,072,849) and Larson (International Publication No. WO-2006/133159). Claims 2-4, 8-11, and 15-20 were rejected under 35 USC 103(a) as being unpatentable over Yamanami et al in view of Firestone and Larson in view of Losehand et al (US Patent Publication 2003/0090347). Claims 1-4 and 8-12 were rejected under grounds of nonstatutory obvious-type double patenting as being unpatentable over claims 1-10 of US Patent 7,436,164 in view of Firestone. Claims 5-7 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A response to the first Office action was timely filed and received in the US Patent and Trademark Office on July 07, 2010. Claims 1, 5, 10, and 19 were amended.

A Final Office action was issued on August 13, 2010 again rejecting claims 1 and 12-14 under 35 USC 103(a) as being unpatentable over Yamanami et al (RE34,187) in view of Firestone (3,072,849) and Larson (International Publication No. WO-2006/133159). Claims 2-4, 8-11, and 15-20 were rejected under 35 USC 103(a) as being unpatentable over Yamanami et al in view of Firestone and Larson in view of Losehand et al (US Patent Publication 2003/0090347). Claims 1-4 and 8-12 were rejected under grounds of nonstatutory obvious-type double patenting as being unpatentable over claims 1-10 of US Patent 7,436,164 in view of Firestone. Claims 5-7 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

On October 13, 2010, Petitioner seeks relief by filing a petition under 37 CFR 1.181 requesting the finality of the Final Office action of August 13, 2010 be withdrawn.

REGULATIONS AND PRACTICE

37 CFR § 1.113(a) states in part that:

(a) On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final, whereupon applicant's or patent owner's reply is limited to appeal in the case of rejection of any claim (§ 1.191) or to amendment as specified in § 1.116. ...

MPEP § 706.07(a) states in part that:

Under present practice, second or any subsequent action on the merits shall be final, except where the examiner introduces a new ground of rejection that is (not) necessitated by applicant's amendment of the claims...

MPEP 1207.03 III states in part that:

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976).

OPINION

Petitioner contends "that the final Office Action dated August 13, 2010, contains new grounds of rejection that are not necessitated by amendment and fails to answer all matters traversed by Petitioner" and "Petitioner submits that the finality of the instant Office Action is improper because a new basis for the rejections of claims 1 and 12 is presented in the instant action." Petitioner goes on to state, "the Federal Circuit has held that new grounds of rejection should be acknowledged when changes are made to the *precise reason* for the rejection and not upon the statutory basis alone." Finally petitioner submits, "The Office Action cites to a new portion of the '187 reference in an attempt to support the rejection of claims 1 and 12. The Office Action acknowledges the change in the citation, but asserts that it was a typographical error. However, Petitioner had relied upon the Examiner's citation in responding, and had no way of knowing that the previously asserted portion of the '187 reference was erroneously asserted. Accordingly, Petitioner has yet to have an opportunity to respond to a rejection based on this newly cited portion of the '187 reference. Therefore, the change in the precise reason for the rejection is new grounds, and the Office Action has been improperly made final."

A review of the record finds that the grounds of rejection was not changed by the examiner from the non-final Office action mailed April 07, 2010 and the subsequent final rejection mailed August 13, 2010. Furthermore, the precise reason for the rejection of claims 1 and 12 identified in the non-final rejection is identical to the reason given in the final rejection and is repeated follows;

One of ordinary skill in the art at the time of the invention would have found it obvious to have modified the resonant circuit of Yamanami with the resonant circuit of Firestone using varactor diodes as the variable capacitance 224 and a center tapped inductive coil so as to provide a variable capacitance using a known technique. Further since such a configuration, absent any criticality (i.e., unobvious and/or unexpected result(s)), is generally achievable through routine optimization/experimentation, and since discovering the optimum or workable configuration, where the general conditions of a claim are disclosed in the prior art, involves only routine skill in the art. More over, in the absence of any criticality (i.e., unobvious and/or unexpected result(s)), the configuration set forth above would have been obvious to a

person having ordinary skill in the art at the time the invention was made. Firestone does not explicitly teach an anti-series arrangement of the varactor diodes. However, such a configuration would have been known to one of ordinary skill in the art at the time of the invention as shown by teaching reference Larson, International Publication No. W0- 2006/133159 published June 6, 2006 where anti-series connected varactor diodes are used to provide variable capacitance.

And

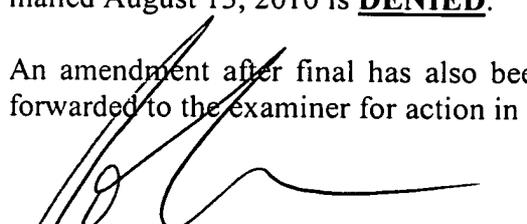
Consider claim 12, Yamanami as modified by Firestone and Larson teaches a method implemented in an untethered device configured to inductively couple to a source device (see Yamanami figure 1, element 2 input pen and element 12 tablet body, the source device configured to generate a varying magnetic field having a fixed frequency (see Yamanami column 1, lines 46-63 where an AC signal of a predetermined frequency is applied to the antenna coil), the method comprising: generating, by a tunable resonant circuit of the untethered device, a supply voltage for the untethered device in response to the varying magnetic field (see Yamanami figures 2, 3 and column 5, line 60-column 6, line 23), the tunable resonant circuit comprising an inductive coil (see Yamanami figure 3, element 222) coupled to a capacitive circuit (see Yamanami figure 3, elements 222,224), the capacitive circuit comprising an anti-series arrangement of varactor diodes that behave as a capacitance when placed in reverse bias (see Firestone, figure 3, element 51a, column 2, lines 26-58 and column 4, line 66-column 5, line 7 where the coupling circuit utilizes a varactor diode to vary the capacitance); and producing a control signal and applying the control signal to a center tap of the inductive coil (see Firestone figure 1, element 61 control potential and column 3, lines 58-67) to place the varactor diodes in reverse bias and to change the capacitance of the capacitive circuit, thereby effecting a change in the resonance frequency of the tunable resonant circuit (see Firestone figure 3 and column 3, lines 16-21 where the resonant circuit responds to the particular carrier frequency desired).

Citing a new portion of a reference to show support for teaching a claimed limitation, did not change the grounds of the rejection nor did it change the thrust of the rejection or the precise reason for the rejection as well. Clearly one skilled in the art would readily recognize the initial reference for support identified in the non final rejection of the claimed "magnetostrictive media excited by an AC current to detect voltage induced therein to detect X-Y coordinates" is not to be found or even addressed in Column 3, line 40-column 4 line 2 of Yamanami et al. However, upon review of the reference in its entirety, one skilled in the art easily determines column 5 lines 22-50 at least addresses the issue of "magnetostrictive media excited by an AC current to detect voltage induced therein to detect X-Y coordinates" and thus conclude that the initial reference for support is erroneous.

CONCLUSION

For the above stated reasons, the petition to withdraw the finality of the Final Office action mailed August 13, 2010 is **DENIED**.

An amendment after final has also been filed on October 13, 2010. The application is being forwarded to the examiner for action in response to the amendment after final.



John L. Leguyader, Director
Technology Center 2600
Communications



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ATTN: IP DEPARTMENT DOCKET CLERK
200 PUBLIC SQUARE
SUITE 2300
CLEVELAND OH 44114-2378

MAILED
FEB 15 2011
OFFICE OF PETITIONS

In re Application of :
Sakaguchi :
Application No. 11/613,626 :
Filed: December 20, 2006 :
Attorney Docket No. 30761-5 :

NOTICE

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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 8076

Table with 5 columns: SERIAL NUMBER (11/613,626), FILING OR 371(c) DATE (12/20/2006), CLASS (703), GROUP ART UNIT (2123), ATTORNEY DOCKET NO. (30761-5)

APPLICANTS
Hide Sakaguchi, Yokosuka-shi, JAPAN;
** CONTINUING DATA *****
** FOREIGN APPLICATIONS *****
JAPAN 2005-366922 12/20/2005
IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 01/24/2007

Table with 6 columns: Foreign Priority claimed, 35 USC 119 (a-d) conditions met, STATE OR COUNTRY (JAPAN), SHEETS DRAWING (8), TOTAL CLAIMS (12), INDEPENDENT CLAIMS (4)

ADDRESS
21130

TITLE
PARTICLE DATA COMPUTING APPARATUS, AND PARTICLE DATA COMPUTING METHOD

Table with 2 main columns: FILING FEE RECEIVED (825) and FEES: Authority has been given in Paper...; a list of checkboxes for fees: All Fees, 1.16 Fees (Filing), 1.17 Fees (Processing Ext. of time), 1.18 Fees (Issue), Other, Credit



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STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

MAILED
MAR 17 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BRENNAN, Martin J. :
Application No.: 11/613,752 :
Filed: December 20, 2006 : **DECISION ON PETITION**
Attorney Docket No.:42920/304 :
For: REPLAYING DIGITAL MEDIA :

This decision is issued in response to applicant's "Petition under 37 CFR 1.78(a) to Accept an Unintentionally Delayed Claim under 35 U.S.C. § 365(c)" filed December 28, 2010.

The petition is **DISMISSED AS MOOT**.

As indicated in the filing receipt mailed 23 January 2007, the present U.S. patent application contains a domestic benefit claim identifying the application as a divisional of U.S. application 10/398,550. Parent application 10/398,550 is a national stage application of international application PCT/GB2001/004405 filed under 35 U.S.C. 371; however, applicants did not specifically identify U.S. application 10/398,550 as the national stage of PCT/GB2001/004405 in the application data sheet filed with the original application materials on December 20, 2006. The filing receipt references the international application as a foreign application under 35 U.S.C. 119. The present petition seeks acceptance of an unintentionally delayed benefit claim to international application PCT/GB2001/004405.

As set forth in MPEP section 1893.03(c), "a national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the international filing date of the international application." In other words, the international application is not an earlier application (it has the same filing date as the national stage; see 35 U.S.C. 363). Thus, reference in the national stage application to the international application number is not required. Furthermore, the inclusion of such a reference does not constitute a new benefit claim under 35 U.S.C. 120 and/or 365 (c). See Broadcast Innovation, L.L.C. and IO Research PTY LTD v. Charter Communications, Inc. and Comcast Corporation, 420 F.3d 1364, 1367 (Fed. Cir., Aug 19, 2005): "Where proper reference to a national stage application exists, no reference to the corresponding PCT application is required because the national stage application effectively has the same U.S. filing date as the PCT application."

Based on the above, in the present circumstances, where the application includes a proper benefit claim directed to the U.S. national stage application (10/398,550), a petition for acceptance of an unintentionally delayed benefit claim is not necessary in order for applicant to add a reference to the international application upon which the national stage application is based (PCT/GB2001/004405). The present petition is therefore appropriately dismissed as moot.

The petition fee filed by petitioner with respect to the present petition will be refunded to applicants.



Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



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**SHELL OIL COMPANY
P O BOX 2463
HOUSTON TX 77252-2463**

MAILED

DEC 20 2011

In re Application of : **OFFICE OF PETITIONS**
Wayne Errol Evans et al. :
Application No. 11/613,849 : **DECISION ON PETITION**
Filed: December 20, 2006 :
Attorney Docket No. TH3090 (US) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed December 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 31, 2010. A Notice of Abandonment was mailed January 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, with the required fee of \$540, and an Appeal Brief, with the required fee of \$620, (2) the petition fee of \$1,860, and (3) a proper statement of unintentional delay. Accordingly the Notice of Appeal and Appeal Brief are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Board of Patent Appeals and Interferences for appropriate action in the normal course of business for processing of the reply received December 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Foley & Lardner LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
Brunk, et al. :
Application No. 11/613,876 : ON APPLICATION FOR
Filed: December 20, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. 098888-1954 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b), filed August 8, 2011. Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand one hundred sixty-seven (1167) days, not nine hundred thirty-six (936) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). This is true even in this instance where a request for continued examination (RCE) was filed. The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a

determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent or even the filing date of the request for continued examination is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b). This fee is required and will not be refunded.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

¹ For example, if an applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Receipt date: 11/12/2010

11613922 - GAU: 2873

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/12/10

Paper No.: _____

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/613,922 Patent No.: 7766044

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should COCC be approved

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Amendment is approved for entry in its entirety.

/Evelyn Lester/

SPE /Ricky Mack/

ART UNIT 2873

Receipt date: 11/12/2010

11613922 - GAU: 2873

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/12/10

Paper No.: _____

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/613,920 Patent No.: 7706044

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should COCC be approved

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Amendment is approved for entry in its entirety.

/Evelyn Lester/

SPE /Ricky Mack/

ART UNIT 2873

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/31/10

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11614011 Patent No.: 7718156

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

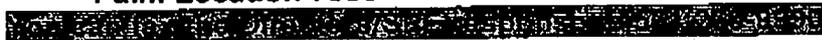
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**



Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

Ray V. King
SPE

1793
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



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QUINTERO LAW OFFICE, PC
615 Hampton Dr, Suite A202
Venice CA 90291

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Patent No. 8,043,347

Issue Date: October 25, 2011

Application No. 11/614,033

Filed: December 20, 2006

Attorney Docket No. **10115972**

ON PETITION

This is a decision on the petition filed December 12, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee data on the front page of the above-identified patent by way of Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ See *Official Gazette* of June 22, 2004.



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KONRAD RAYNES & VICTOR, LLP.
ATTN: IBM37
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS, CA 90212

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of Baldwin et al. :
Application No. 11/614,045 : Decision on Petition
Filing Date: December 20, 2006 :
Attorney Docket No. SJO920010101US3 :

This is a decision on the petition under 37 C.F.R. § 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.63 to the extent they require a supplemental declaration be executed by all the named inventors. This is also a decision on the request under 37 C.F.R. § 1.48(a) seeking to add two inventors.

The petition under 37 CFR 1.183 requesting waiver of 37 C.F.R. §§ 1.63, and 1.67 is **dismissed**.

The request under 37 C.F.R. § 1.48(a) 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 C.F.R. § 1.136(a) are permitted.

The Petition Under 37 C.F.R. § 1.183

The petition under 37 C.F.R. § 1.183 seeks wavier of the requirement for the supplemental declaration to be signed by inventors Ron H. Clark and Douglas P. Dunham. Applicants have submitted two \$400 petition fees. Although the petition under 37 C.F.R. § 1.183 involves two inventors, only one petition fee is due. Therefore, \$400 has been credited back to Deposit Account No. 09-0466.

The petition fails to establish inventor Clark cannot be founder after diligent effort.

The petition establishes the last known address Clark is no longer valid and that a search on an internet site using the name Ronald. H. Clark in the location of California produced 105 results. Clark's last known address is located in San Jose, California. The results include a section titled "Has lived in" for each inventor. This section only includes the location San Jose, California, for two of the 105 results. The record fails to indicate an attempt was made to contact the Ronald H. Clark associated with either of the two results.

Even if the record demonstrated a diligent effort was made to contact the inventor using the name Ronald H. Clark, the showing would be insufficient because the original declaration and supplemental declaration identify the inventor's full first name as "Ron," not Ronald. The record fails to indicate any effort has been made to locate the inventor using the name "Ron H. Clark."

In view of the prior discussion, the showing of record is insufficient to demonstrate waiver of the requirement for inventor Clark's signature on the supplemental declaration is warranted.

The showing of record is sufficient to demonstrate waiver of the requirement for inventor Douglas P. Dunham's signature on the supplemental declaration is warranted.

The Petition Under 37 C.F.R. § 1.48(a)

A petition under 37 C.F.R. § 1.48(a) must include an oath or declaration executed by all of the inventors. The supplemental declaration is not signed by inventor Clark or inventor Dunham. Therefore, the supplemental declaration is insufficient to support relief under 37 C.F.R. § 1.48(a) unless the requirement for the signatures of Clark and Dunham is waived.

The current showing of record is insufficient to establish waiver of the requirement for Clark's signature is warranted. Therefore, the request under 37 C.F.R. § 1.48(a) is dismissed.

Conclusion

Any request for reconsideration of the instant decision should include a copy of the supplemental declaration signed by Ron H. Clark or additional evidence to establish Ron H. Clark cannot be found after diligent effort.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

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

A handwritten signature in black ink, appearing to read 'Charles Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KONRAD RAYNES & VICTOR, LLP.
ATTN: IBM37
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS, CA 90212

MAILED
APR 05 2012
OFFICE OF PETITIONS

In re Application of Baldwin et al. :
Application No. 11/614,045 : Decision on Petition
Filing Date: December 20, 2006 :
Attorney Docket No. SJO920010101US3 :

This is a decision on the renewed petitions under 37 C.F.R. § 1.183 and 37 C.F.R. § 1.48(a) filed February 17, 2012.

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

The request under 37 C.F.R. § 1.48(a) is **granted**.

In essence, the petition under 37 C.F.R. § 1.183 seeks waiver of seeking waiver of both 37 C.F.R. §§ 1.63 and 1.67 to the extent the regulations require that a supplemental declaration be executed by the named inventors. Petitioner has established justice would be served by waiving the requirement for Ron Clark's signature and Donald Dunham's signature on the supplemental declaration filed September 1, 2011.

Petitioner has satisfied the requirements set forth in 37 C.F.R. § 1.48(a) in view of the waiver of the requirements for the signatures of two of the inventors on the supplemental declaration, and Michael L. Lamb and Raymond M. Swank have been added as inventors of record.

Technology Center Art Unit 2452 will be informed of the instant decision and the examiner will review the IDS and request for continued examination filed August 12, 2012, in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/614,045, 12/20/2006, 2452, 4050, SJO920010101US3, 51, 8

CONFIRMATION NO. 8700

CORRECTED FILING RECEIPT



46917
KONRAD RAYNES & VICTOR, LLP.
ATTN: IBM37
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS, CA 90212

Date Mailed: 03/29/2012

4-4-12

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

- Duane Mark Baldwin, Mantorville, MN;
Paul Lawrence Bradshaw, Santa Cruz, CA;
Barbara J. Camacho, San Jose, CA;
Ron Herschel Clark, San Jose, CA;
Alireza Razzaghi Daryan, Los Gatos, CA;
Daniel Graham Douglas, Los Gatos, CA;
Roman David Druker, San Ramon, CA;
Douglas Paul Dunham, San Jose, CA;
David Wilson Groves, San Jose, CA;
Allen Robert Heitman, Rochester, MN;
Vincent Jomartin Hoang, San Jose, CA;
Nancy Lott Hobbs, Sunnyvale, CA;
Lisa Anne Huston, Rochester, MN;
Gregory John Knight, Brooklyn Park, MN;
David Lynn Merbach, Rochester, MN;
Amir Nakhforoush, San Jose, CA;
Vinh-Thuan Nguyen-Phuc, San Jose, CA;
Gregory John Tevis, Tuscon, AZ;
William Roy Yonker, Rochester, MN;
Michael L. Lamb, Austin, TX;
Raymond M. Swank, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number 46917

Domestic Priority data as claimed by applicant

This application is a DIV of 10/161,043 05/30/2002 ABN

which is a CON of 09/972,584 10/05/2001 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 01/17/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/614,045**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

STORAGE AREA NETWORK METHODS AND APPARATUS WITH CENTRALIZED
MANAGEMENT

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative,

this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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

GRANTED

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

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

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

NOT GRANTED

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

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Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

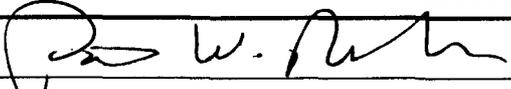
Attorney Docket Number: 208375-1 (30017-495)	Patent Number: 7667215
Filing Date (or 371(b) or (f) Date): 21-Dec-2006	Issue Date: 23-Feb-2010
First Named Inventor: Richard Olver Hargrove, Jr.	
Title: METHOD AND APPARATUS FOR PROVIDING RADIATION SHIELDING FOR NON-INVASIVE INSPECTION SYSTEMS	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature 	Date 8/20/10
Name (Print/Typed) Patrick W. Rasche	Registration Number 37,916

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 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.

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.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

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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Patent Docket Department
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

Mail Date: 09/13/2010

Applicant : Richard Oliver Hargrove JR. : DECISION ON REQUEST FOR
Patent Number : 7667215 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/614,095 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/21/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **457** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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**JOHN C. STRINGHAM
WORKMAN /NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111**

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
David V. Arnold et al :
Application No. 11/614,250 : **DECISION GRANTING PETITION**
Filed: December 21, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 15455.9.1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 20, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 25, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Geydi M. Lorenzo et al. :
Application No. 11/614,262 : **DECISION ON PETITION**
Filed: December 21, 2006 :
Attorney Docket No. **CE14304JSW** :
LORENZO

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2011, to revive the above-identified application.

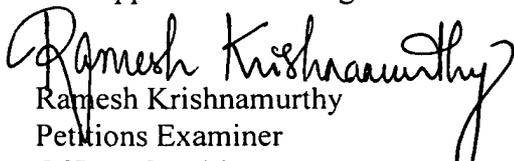
The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 26, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 26, 2010. Accordingly, the date of abandonment of this application is January 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay. Accordingly, the payment of Issue and Publication fees 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 Data Management for processing into a patent.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number: TI-38399.2	Patent Number: 7,666,748
Filing Date (or 371(b) or (f) Date): 12-21-2006	Issue Date: 02/23/2010
First Named Inventor: Amitabh Jain	
Title: METHOD OF FORMING AMORPHOUS SOURCE/DRAIN EXTENSIONS	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /	Date August 12, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/17/2010

Applicant : Amitabh Jain : DECISION ON REQUEST FOR
Patent Number : 7666748 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/614,300 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/21/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **258** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909

In re Application of

Wu

Application No. 11/614,351

Filed: December 21, 2006

Attorney Docket No. **20060209**

MAILED

SEP 22 2011

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 18, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on May 19, 2011. A Notice of Abandonment was mailed September 14, 2011.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application¹. If the person signing the instant

petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The amendment filed September 19, 2011, is noted.

The application is being forwarded to Technology Center 2400, GAU 2466 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Paul M. Gurzo
11350 Random Hills Road, Suite 600
Fairfax, VA 22030



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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**3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427**

MAILED

JUN 13 2011

In re Application of : **OFFICE OF PETITIONS**
Karl E. Benson, et al. :
Application No. 11/614,357 : **DECISION GRANTING PETITION**
Filed: December 21, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 61495US007 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 7, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 18, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/08/11
TO SPE OF : ART UNIT 1625
SUBJECT : Request for Certificate of Correction for Appl. No.: 11614375 Patent No.: 7884238

CofC mailroom date: 08/26/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes in the claims be approved?

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

.....
.....

/Janet L. Andres/

1625

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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**PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003**

MAILED

OCT 14 2010

In re Application of	:	OFFICE OF PETITIONS
Jonathon Z. Zhao	:	
Application No. 11/614,395	:	DECISION ON PETITION
Filed: December 21, 2006	:	
Attorney Docket No. CRD5414USNP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 8, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 8, 2010. Accordingly, the date of abandonment of this application is July 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, and RCE, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center 1617 for further processing of the RCE received on July 15, 2010.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01/19/12
TO SPE OF : ART UNIT 2884
SUBJECT : Request for Certificate of Correction for Appl. No.: 11614544 Patent No.: 7937017

CofC mailroom date: 01/11/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes to claim 13 be approved?

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/David P. Porta/

2884

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/614,568	12/21/2006	Daniel F. Nieschulz	707393US1	9579
24938	7590	04/16/2012	EXAMINER	
Chrysler Group LLC CIMS 483-02-19 800 CHRYSLER DR EAST AUBURN HILLS, MI 48326-2757			TOLAN, EDWARD THOMAS	
			ART UNIT	PAPER NUMBER
			3725	
			NOTIFICATION DATE	DELIVERY MODE
			04/16/2012	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):

cd862@chrysler.com
mam239@chrysler.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte DANIEL F. NIESCHULZ, GEORGE R. BASLER,
JOSEPH P. MEYECIC, JR. and MICHAEL A. MERSINO

Application 11/614,568
Technology Center 3700

DECISION ON PETITION

This is a decision on the "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed January 31, 2012 ("Petition").

See 75 Fed. Reg. 15,689-90 (Mar. 30, 2010) for authority of the Chief Administrative Patent Judge.

FINDINGS

1. On May 27, 2009, Appellants filed an Appeal Brief.
2. On June 29, 2009, the Patent Appeal Center issued a Notification of Non-Compliant Appeal Brief (37 CFR 41.37). The Notification granted Appellants a period of one month within which to file a corrected brief, i.e., until July 29, 2009.

Application 11/614,568

3. On July 29, 2009, Appellants filed a revised Appeal Brief in response to the Notification of Non-Compliant Appeal Brief of June 29, 2009.
4. On November 6, 2009, the Primary Examiner issued a Communication Re: Appeal advising Appellants that the appeal was dismissed and the application was abandoned.
5. On January 31, 2012, Appellants filed the present Petition and an Appeal Brief.
6. The Petition to Revive was accompanied by:
 - (a) an Appeal Brief;
 - (b) the Petition fee; and
 - (c) A statement that "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."
7. A review of Appeal Brief filed on January 31, 2012 indicates that it is in compliance with 37 C.F.R. § 41.37.

RELEVANT AUTHORITY

In respect to revival of an unintentionally abandoned application, 37 C.F.R. § 1.137(b) provides that:

- (b) *Unintentional*. If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination prosecution terminated under §§ 1.550(d) or 1.957(b) or limited under § 1.957(c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:
- (1) The reply required to the outstanding Office action or notice, unless previously filed;
 - (2) The petition fee as set forth in § 1.17(m);
 - (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

Application 11/614,568

pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Since the application was filed after June 8, 1995, on December 21, 2006, no terminal disclaimer is required.

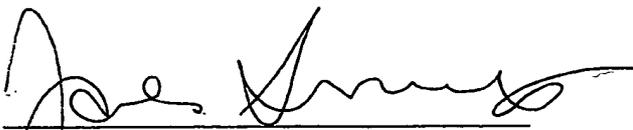
DISCUSSION

There has been a delay of over 30 months between the due date for the reply to the Notification of Non-Compliant Appeal Brief of June 29, 2009 (July 29, 2009) and the date the Petition was filed (January 31, 2012). This long delay raises an issue of whether “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition . . . was unintentional.” 37 C.F.R. § 1.137(b)(3).

In this situation, Appellants must explain the circumstances of the long delay between abandonment of the application and the filing of the Petition for Revival. *See* MPEP § 711.03(c)(II)(D) and (F).

DECISION

In view of the foregoing, the Petition for Revival is DENIED without prejudice. Appellants are given one month in which to file a revised petition that includes an explanation for the long delay in filing a Petition seeking revival.



JAMES DONALD SMITH
Chief Administrative Patent Judge



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.
11/614,578	12/21/2006	Alok S. Sathaye	279.D05US1	9597
21186	7590	12/02/2010	EXAMINER	
SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			STEWART, JENNIFER LEIGH	
			ART UNIT	PAPER NUMBER
			3766	
			NOTIFICATION DATE	DELIVERY MODE
			12/02/2010	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):

uspto@slwip.com
request@slwip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of:
SATHAYE, ALOK S. et al
Serial No.: 11/614,578
Filed: Dec. 21, 2006
Docket: 279.D05US1

Title: METHOD AND APPARATUS TO
IMPLEMENT MULTIPLE PARAMETER
SETS IN AN IMPLANTABLE DEVICE

DECISION ON PETITION TO
REVIEW RESTRICTION
REQUIREMENT UNDER
37 CFR 1.144

This is a decision on the petition filed November 19, 2010 to review the election of species requirement under constructive restriction promulgated in October 22, 2010 Office action. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is **GRANTED**.

In the November 19, 2010 petition, petitioner requests the examiner to reconsider the election of species requirement of October 22, 2010 based on the constructive election. The examiner stated that the constructive election was based on the originally presented species. Petitioner contends that the amended non-elected claims of November 19, 2010 are not directed to an independent and distinct species as contended by the examiner. The originally presented claims are generic claims. Therefore, the Rule amendments of July 29, 2010 and November 19, 2010 should be entered for examination.

After consulting with the examiner, it is agreed that the constructive election of species should be withdrawn. As such, the election of species requirement in the letter of October 22, 2010 is hereby withdrawn. The requested relief is granted. The examiner is requested to enter and consider the Rule 111 amendments filed on July 29, 2010 and November 19, 2010 and issue an Office action as soon as possible.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3766 for consideration of the applicant's Rule 111 amendment and preparation an Office action. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Application Serial No. 11/614,578
Decision on Petition

PETITION GRANTED.

Angela D. Sykes

Angela D. Sykes, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/7/10
TO SPE OF : ART UNIT 2472 Lyost Anh - Vu
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/614583 Patent No.: 7088727 Paper No.: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

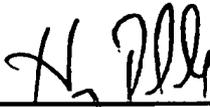
Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580**



Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved** All changes apply.
- Approved in Part** Specify below which changes do not apply.
- Denied** State the reasons for denial below.

Comments: _____



William Frost 2472
SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 7, 2010

TO SPE OF : ART UNIT 1645 - SPE Larry R. Helms

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/614,716 Patent No.: 7,771,728 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Antonio Johnson

Should the reference Foreign Priority Application Data date be changed from "Jan. 21, 2001" to "Jan 26, 2001"?

See COCIN dated 10-05-2010

Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The change is approved. The priority document is dated 1/26/2001.

LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

AV 1645



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 13 2011

OFFICE OF PETITIONS

**Dickstein Shapiro LLP
2049 Century Park East
Suite 700
Los Angeles CA 90067**

In re Application of :
Ryan ABBOTT et. al : ON PETITION
Application No. 11/614,814 :
Filed: December 21, 2006 :
Atty. Docket No.: O0037.0009 :

This is in response to the petition under 37 CFR 1.37(b), filed May 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply to the final Office action mailed November 4, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned February 5, 2011. A Notice of Abandonment was mailed July 26, 2011.

The 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 continuing divisional application 13/101,029.

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 \$1110 extension of time fee submitted with the petition on May 26, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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 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 relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

for 
Anthony Knight
Director
Office of Petitions



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

MAILED

NOV 17 2010

OFFICE OF PETITIONS

**LAW OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE CA 94087**

In re Application of :
Zheng et al. :
Application No. 11/614,815 : **ON PETITION**
Filed: December 21, 2006 :
Attorney Docket No. AF02057 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed March 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and requisite \$810.00 fee, (2) the petition fee of \$1620.00 (previously paid December 14, 2009), and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2829 for processing of the RCE under 37 CFR 1.114.

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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ENTELOS, INC.
c/o Law Offices of Karen E. Flick
P.O. Box 515
El Granada CA 94018-0515

MAILED

NOV 15 2010

In re Application of	:	OFFICE OF PETITIONS
Kurt Jarnagin et al.	:	
Application No. 11/614,823	:	DECISION ON PETITION
Filed: December 21, 2006	:	TO WITHDRAW
Attorney Docket No. ENTL-059.US1	:	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 5, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

It should also be noted that the attorneys of record were appointed by customer. The request indicates that only attorney Karen E. Flick will be withdrawing from record and all other attorneys/agents will remain of record. If no boxes are checked on a renewed request for withdrawal, the Office will assume that this was correct.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION
Fernando Vincenzini : UNDER 37 CFR 1.78(a)(3)
Application No. 11/614,848 : and
Filed: December 21, 2006 : DECISION ON PETITION
Atty Docket No. **VINCENZINI-4** : UNDER 37 CFR 1.78(a)(6)
:

This is a decision on the PETITION TO CORRECT UNINTENTIONALLY DELAYED CLAIM OF PRIORITY filed October 30, 2011, to accept an unintentionally delayed claim to prior-filed application No. 11/126,736, which claims priority from provisional application No. 60/577,430. This decision is made in light of the supplemental amendment and supplemental declaration both filed November 2, 2011.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii), respectively, and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3) and 37 CFR § 1.78(a)(6), respectively, must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i), respectively, of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii), respectively, and the date the claim was

filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claims for priority set forth on petition were not submitted on filing in the first sentence of the specification or in an application data sheet. Specifically, there was a typographical error in the application number referenced, and thus, a proper reference to application No. 11/126,736 was not made. And as such, a proper reference was not made to provisional application No. 60/577,430 which this application claims benefit to by way of intermediate application No. 11/126,736. The four and sixteen-month periods specified in 37 CFR §§ 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) expired without the reference being corrected. Thus, the instant petition is appropriate. In addition, the petition includes the required statement of unintentional delay and the required surcharge.

On petition, a reference to the prior-filed nonprovisional and provisional applications has been included in an amendment, as required by 37 CFR 1.78(a)(2)(iii) and (a)(5)(iii). With respect to the applications so incorporated, the incorporation by reference statement included in the amendment was present on filing of the application. That is, the applications incorporated by reference on amendment filed November 2, 2011 were incorporated by reference on filing of the application.

With respect to 35 U.S.C. 120 and 37 CFR 1.78(a)(3), the amendment includes a reference to prior-filed application No. 11/126,736, with the appropriate relationship stated as continuation-in-part.

With respect to 35 U.S.C. 119(e) and 37 CFR 1.78(a)(6), the claim for benefit of priority under 35 U.S.C. § 119(e) of provisional application no. 60/577,430 was made in intermediate application no. 11/126,736 on filing, on May 11, 2005. The filing date of provisional application no. 60/577,430 for which priority is claimed is, June 3, 2004, which is within twelve months of the filing date of intermediate application No. 11/126,736.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications

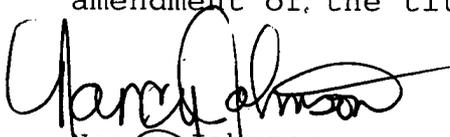
under 35 U.S.C. § 120 and 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and (a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and §§119(e) and 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2857 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) of the prior-filed applications as set forth in the amendment filed November 2, 2011 (and *inter alia*, for consideration of the amendment as to amendment of the title).



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/614,848, 12/21/2006, 2857, 1188, VINCENZINI-4, 29, 5

CONFIRMATION NO. 1009

CORRECTED FILING RECEIPT



25889
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Date Mailed: 11/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Fernando Vincenzini, Glen Cove, NY;

Power of Attorney:

Kurt Kelman--18628 Elizabeth Richter--35103
Allison Collard--22532 William Collard--38411
Edward Freedman--26048 Edward Callaghan--46594
Frederick Dorchak--29298
Christopher Garvey--31015

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/752,762 12/21/2005
and is a CIP of 10/860,867 06/03/2004 ABN
which is a CIP of PCT/US02/38459 12/03/2002
which claims benefit of 60/336,620 12/03/2001
This application 11/614,848
is a CIP of 11/126,736 05/11/2005 ABN
which is a CIP of 10/860,867 06/03/2004 ABN
which is a CIP of PCT/US02/38459 12/03/2002
which claims benefit of 60/336,620 12/03/2001
and said 11/126,736 05/11/2005
claims benefit of 60/577,430 06/03/2004

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 01/25/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/614,848**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEM AND PROCESS FOR CHARTING AND DISPLAYING THE TIME AND POSITION OF
CONTESTANTS IN A RACE

Preliminary Class

702

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED
NOV 09 2010
OFFICE OF PETITIONS

In re Application of :
Jonathan Hood Young, et al. :
Application No. 11/614,898 : DECISION ON PETITION
Filed: December 21, 2006 : UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. N0484.70014US00 :

This is a decision on the petition under 37 CFR 1.313(c), filed November 8, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

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

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

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

By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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NOV 19 2010

OFFICE OF PETITIONS

In re Application of :
Jonathan Hood Young, et al. :
Application No. 11/614,898 : DECISION GRANTING PETITION
Filed: December 21, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. N0484.70014US00 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed, November 19, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 26, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the amendment to the drawings previously filed on November 8, 2010.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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BEAVERTON OR 97008

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In re Application of :
Kenneth L. Levy :
Application No. 11/614,942 : DECISION GRANTING PETITION
Filed: December 21, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P1252 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 6, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 13, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2166 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3420 CENTRAL EXPRESSWAY
SANTA CLARA CA 95051

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of :
Shapero :
Application No. 11/614,948 : DECISION
Filed/Deposited: 21 December, 2006 :
Attorney Docket No. 3753.1 :

This is a decision on the petition filed on 10 March, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly, to the final Office action mailed on 12 July, 2010, with reply due absent extension of time on or before 12 October, 2010.

The application went abandoned by operation of law after midnight 12 October, 2010.

The Office mailed the Notice of Abandonment on 27 January, 2011.

Application No. 11/614,948

On 10 March, 2011, Petitioner filed, inter alia a petition with fee pursuant to 37 C.F.R. §1.137(b), with a reply in the form of a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment and made the statement of unintentional delay.

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.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS 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).² 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.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

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 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.

³ 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.

Application No. 11/614,948

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1637 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU 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. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁴ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

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



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ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3420 CENTRAL EXPRESSWAY
SANTA CLARA CA 95051

MAILED

MAY 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Shapero	:	
Application No. 11/614,948	:	DECISION
Filed: 21 December, 2011	:	ON PETITION
Attorney Docket No.: 3753.1	:	

This is a decision on the petition pursuant to 37 C.F.R. §1.78(a)(3) and (6), filed on 10 March, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and §119(e) and 37 C.F.R. §1.78(a)(2)(i) and §1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 C.F.R. §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and §1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §§120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 C.F.R. 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the

Application No. 11/614,948

benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 37 C.F.R. 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application(s), accompanies this decision on petition.

This application is being forwarded to the examiner of Technology Center/AU 1637 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§120 and 119 to the above-noted, prior-filed applications.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr. attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Anthony Knight
Director, Office of Petitions
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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ABBOTT CARDIOVASCULAR SYSTEMS INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of
Robert D. Ainsworth, et al.
Application No. 11/614,963
Filed: December 21, 2006
Attorney Docket No.: 5618P3428C

:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed June 22, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action of December 2, 2010. A Notice of Abandonment was subsequently mailed on June 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3764 for appropriate action in the normal course of business on the reply received June 22, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/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

ABBOTT CARDIOVASCULAR SYSTEMS INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

AUG 31 2011

OFFICE OF PETITIONS

In re Application of
Robert D. Ainsworth, et al.
Application No. 11/614,963
Filed: December 21, 2006
Attorney Docket No.: 5618P3428C

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed June 22, 2011, and supplemented on August 17, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The decision mailed July 22, 2011, is hereby vacated. A corrected decision follows.

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a final Office action mailed December 2, 2010. A Notice of Abandonment was mailed on June 22, 2011. On June 22, 2011, the present petition was filed and supplemented on August 17, 2011.

The petition, as supplemented, satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an acceptable terminal disclaimer and fee, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

Since PTO finance records indicate that the \$1,620 petition fee and \$140 terminal disclaimer fee have been paid, the fees submitted on August 17, 2011 are unnecessary and will be credited counsel's deposit account.

This application is being referred to Technology Center AU 3764 for appropriate action by the Examiner in the normal course of business on the terminal disclaimer received August 17, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Blake, Cassels & Graydon LLP
199 BAY STREET , SUITE 2800
COMMERCE COURT WEST
TORONTO, ON M5L 1A9
CANADA

Mail Date: 08/04/2010

Applicant : Keizo MARUI : DECISION ON REQUEST FOR
Patent Number : 7656275 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/615,029 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/22/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **489** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



18007
KRIEG DeVAULT/SMITH & NEPHEW
One Indiana Square
Suite 2800
Indianapolis, IN 46204

MAILED

NOV 04 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PINCZEWSKI *et al* :
Application No.: 11/615,045 :
Filing Date: December 22, 2006 :
Docket No.: 10557/344146 (01-31-1038) :
For: APPARATUS FOR USE IN :
ARTHROPLASTY ON A KNEE JOINT :

DECISION

This is a decision on the "Petition to Accept An Unintentionally Delayed Claim of Priority Pursuant to 37 CFR § 1.78(a)(3)" filed August 15, 2011 to accept an unintentionally delayed claim under 35 U.S.C. §§120, and 365(c) for the benefit of the prior-filed application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) for the following reason. The examiner has indicated that the amendment under 37 CFR 1.116 will not be entered in the subject application. Since the amendment filed with the subject petition will not be considered part of the application, item (1) is not satisfied.

This matter is being referred to the examiner for issuance of an advisory action with regard to the amendment filed August 15, 2010.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571)

273-04559, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

A handwritten signature in black ink, appearing to read 'Boris Milef', with a long horizontal stroke extending to the right.

Boris Milef
Legal Examiner
Office of PCT Legal Administration



18007
KRIEG DeVAULT/SMITH & NEPHEW
One Indiana Square
Suite 2800
Indianapolis, IN 46204

MAILED

DEC 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PINCZEWSKI *et al* :
Application No.: 11/615,045 :
Filing Date: December 22, 2006 :
Docket No.: 10557/344146 (01-31-1038) :
For: APPARATUS FOR USE IN :
ARTHROPLASTY ON A KNEE JOINT :

DECISION

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) filed November 10, 2011.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 37 CFR §§ 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) in that (1) a reference to the prior-filed international application was submitted in an amendment filed November 10, 2011 to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) was previously submitted; and (3) the statement of unintentional delay filed August 15, 2010 has been interpreted as complying with the requirement noted above. If this interpretation is incorrect, applicants should immediately notify the office.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application accompanies this decision.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

This matter is being referred to Technology Center Art Unit 3775 for appropriate action on the amendment filed November 10, 2011, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/615,048	12/22/2006	Richard Maskiewicz	OAKW-39355US1	1302
116 7590 09/03/2010 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER HUANG, GIGI GEORGIANA	
			ART UNIT 1617	PAPER NUMBER
			MAIL DATE 09/03/2010	DELIVERY MODE 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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SEP 03 2010

PEARNE & GORDON LLP
1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108

In re Application of: Richard MASKIEWICZ :
Serial No: 11/615048 : DECISION
Filed: December 22, 2006 : ON
Attorney Docket No: OAKW-39355US1 : PETITION
Title: SUBLIMABLE SUSTAINED RELEASE :
DELIVERY SYSTEM AND METHOD :
OF MAKING SAME :

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on July 1, 2010.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

Applicant filed a claim set on December 22, 2006 which was subject to a restriction requirement on March 12, 2008.

In the restriction requirement of March 12, 2008, the examiner presented the following groups:

- Group I. Claims 1-15, 25-27, and 35-36, drawn to a composition comprising at least one sublimable matrix material and a biologically active agent.
- Group II. Claims 16-19 and 28-30, drawn to a method of delivery a biologically active agent to a host.
- Group III. Claims 20-24, drawn to a method of protecting a biologically active agent from physical or chemical degradation or from loss of activity comprising disposing the active agent in a solid or semi-solid matrix of sublimable material.
- Group IV. Claims 31-33, drawn to a method of making a composition of I
- Group V. Claim 34, drawn to a method of treatment of a disease or illness comprising administration of I.

The examiner states:

All these groups listed are independent or distinct and there would be serious search and examination burden if restriction were not required. In addition, examiner required election of patentably distinct species of sublimable matrix material and species of sublimation rate modifiers.

On April 17, 2008, applicant elected Group I, claims 1-15, 25-27 and 35-36 and hexamethylethane as the sublimable matrix material and trimethylacetamide as the sublimation rate modifier, in response to the restriction requirement. Applicant noted that upon the finding of an allowable genus, any species embraced by the genus that have been withdrawn from consideration must be transferred to the allowable genus embodying the elected subject matter.

Applicant added new claims 39-43 in the amendment filed on August 26, 2009. On January 21, 2010, examiner states:

Newly submitted claims 39-43 are directed to a biological implant, an invention that is independent or distinct from the invention originally claimed wherein if originally presented would have been subject to restriction. Since applicant has received an action on the merits for the originally presented invention, claims 39-43 are withdrawn from consideration as being directed to a non-elected invention.

On July 1, 2010, instant petition was filed. Applicant argues that claims 39-43, featuring a biological implant, are a species of the delivery system of claim 1. That is, a biological implant is just one type of a delivery system for delivery of a biological active agent to an animal. Applicant cites MPEP 802.01 for support. Applicant also points out elected claim 15 recites "The delivery system of claim 1 comprising **an implantable disk...**" (emphasis added). There can be no serious burden to exam subject matter that has already been examined.

DISCUSSION

The petition and file history have been carefully reviewed.

Applicant is correct that the implantable disk of claim 15 forms part of the constructively elected delivery system, the subject matter at issue, a biological implant, is not distinct from the delivery system. Features of biological implant claim 39-43 have already been examined in the elected claimed delivery system. The particular list of sublimable matrix materials and the amount recited in claim 39 is featured in elected claims 4 and 6. The composition compressed into a predetermined shape that is biocompatible (claim 39) is related to an implantable disk of claim 15. The biologically active agent is in claim 1. The claimed release of 7 days in claim 40 is in elected claim 25. The sublimation rate modifier of claim 41 is in elected claim 12. The disk, cylinder or pellet of claim 42 are recited in elected claim 15. The sublimation enthalpy recited in claim 43 is in elected claim 2.

DECISION

The petition is GRANTED for the reasons set forth above.

The application is being forwarded to examiner for further action consistent with this decision after mailing of this decision. Claims 1-15, 25-27, 35-43 are under examination.

Should there be any questions about this decision, please contact Supervisory Patent examiner Cecilia Tsang, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0562 or by facsimile sent to the general Office facsimile number, 571-273-8300.



Remy Yucel
Director, Technology Center 1600



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EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re	:	DECISION ON
Thurkauf, et al.	:	PATENT TERM ADJUSTMENT
Application No. 11/615,054	:	
Filed: December 22, 2006	:	
Attorney Docket No.	:	
58289DIV(308372)	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM UNDER 37 C.F.R. § 1.704 AND 37 C.F.R. § 1.705", filed July 20, 2011. Applicants request that the patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred thirty-five (135) days to twenty-two (22) days

The petition is **GRANTED**.

On April 20, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was one hundred thirty-five (135) days.

The Office initially determined a patent term adjustment of one hundred thirty-five (135) days based on an adjustment for PTO delay of two hundred twenty-nine (229) days pursuant to 37 CFR 1.703(a)(1) and two hundred five (205) days pursuant to 37 CFR 1.703(a)(2), reduced by three (3) and fifty-eight (58) days of applicant delay pursuant to 37 CFR 1.704(b), and two hundred thirty-eight (238) days of applicant delay pursuant to 37 CFR 1.704(c)(8).

Applicants point out that they should have been assessed three hundred fifty-one (351) days of applicant delay pursuant to 37 CFR 1.704(c)(3), not two hundred thirty-eight (238) days.

37 CFR 1.704(c)(3) states that abandonment or late payment of the issue fee shall constitute a failure to engage in reasonable efforts to prosecute the application. In such a situation, the adjustment is reduced by the number of days:

beginning on the date of abandonment or the date after the date the issue fee was due and ending on the earlier of:

- (i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or
- (ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed.

Here, the application became abandoned on April 27, 2009, the petition to revive was filed on December 18, 2009, and the decision reviving the application was mailed on April 12, 2010. Accordingly, pursuant to 37 CFR 1.704(c)(3), applicant delay should have been assessed as 351 days.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **twenty-two (22) days** (434 (229+205) days of PTO delay, reduced by 412 (3+351+58) days of applicant delay).

Receipt of the \$200 fee for filing the instant application for patent term adjustment is acknowledged.

The application is being forwarded to the Office of Data Management for processing into a patent.

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



Cliff Congo
Petitions Attorney
Office of Petitions



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MEDTRONIC, INC. (SPINAL/HAYNES BOONE)
710 MEDTRONIC PARKWAY
ATTN: LEGAL PATENTS MS: LC340
MINNEAPOLIS, MN 55432-5604

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of
Mark J. PELO
Application No. 11/615,158
Filed: December 22, 2006
Attorney Docket No.
P0024687.00/31132.579

:
:
: DECISION ON PETITION
:
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 9, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; 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 \$620 extension of time fee submitted with the petition on February 7, 2011 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop

16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3775 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114 on December 9, 2010.

A handwritten signature in black ink, appearing to read "Thurman K. Page", with a long horizontal flourish extending to the right.

Thurman K. Page
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Mark J. Pelo

Application No. 11/615,158

Filed: December 22, 2006

For: Bone Implants having Engineered
Surfaces

§ Docket No.: P0026487.00 / 31132.579
§
§ Customer No. 46333
§
§ Group Art Unit: 3775
§
§ Examiner: Lawson, Matthew James
§
§ Confirmation No.: 1479
§

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

The Assignee of the above referenced patent application, through its attorney of record, hereby petitions the Commissioner to revive the above-identified application under the provision of 37 C.F.R. §1.137(b) on the grounds that the delay in replying to the Final Office Action mailed July 9, 2010, was unintentional. Submitted simultaneously herewith in a separate paper is a Request for Continued Examination (RCE) requesting entry of the response to the Final Office Action mailed July 9, 2010 and a Petition for Extension of Time extending the time period for filing a response to January 9, 2011.

The entire time delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. This Petition to Revive is being filed in response to the Advisory Action mailed December 23, 2010. The RCE responds to the Final Office Action as required by 37 CFR 1.137.

Applicants include payment of \$1,620.00 for the petition fee required by 37 CFR 1.17(m) to revive an unintentionally abandoned application and include payment of \$620.00 representing the difference of the previously paid two-month extension fee and the now-due three-month extension fee. The Commissioner is authorized to charge any deficiency or credit any overpayment of fees associated with this communication to said Deposit Account No. 08-1394.

Respectfully submitted,


Dustin T. Johnson
Registration No. 47,684

Date: 2-7-11
HAYNES AND BOONE, LLP
Customer No. 46333
Telephone: 972/739-6969
Facsimile: 214/200-0853

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via EFS-Web on February 7, 2011.


Jan Cleveland



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/615,256	12/22/2006	Eiji Endoh	086524-0106	1631
22428	7590	10/20/2011	EXAMINER	
FOLEY AND LARDNER LLP			MOHADDES, LADAN	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			1726	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			10/20/2011	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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Foley and Lardner LLP
Suite 500
3000 K Street, NW
Washington, DC 20007

OCT 20 2011

In re application of
Eijl Endoh, et al.

**NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR. 1.313**

Serial Number: 11/615,256
Filed: December 22, 2006

For: **ELECTROLYTE MEMBRANE FOR POLYMER ELECTROLYTE FUEL CELL,
PROCESS FOR ITS PRODUCTION AND MEMBRANE-ELECTRODE
ASSEMBLY FOR POLYMER ELECTROLYTE FUEL CELL**

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action. Telephone inquiries may be directed to Patrick Ryan at 571-272-1292.

Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

rt/10/20/11



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SYNGENTA CROP PROTECTION INC
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO NC 27409

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Haskell, et al. :
Application No. 11/615,311 : ON PETITION
Filed: December 22, 2006 :
Attorney Docket No. 70944/US :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed August 3, 2011.

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

The above application became abandoned for failure to timely file
a reply in response to the non-final Office action mailed
December 8, 2010. This Office action set a shortened statutory
period for reply of three (3) months. No reply having been
received, the application became abandoned on March 9, 2011.
The Office mailed a Notice of Abandonment on July 29, 2011.

With the instant petition, applicants made the proper statement
of unintentional delay, paid the petition fee, and filed an
Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed
prior to the expiration of the maximum period obtainable for
reply to avoid abandonment. Accordingly, since the \$1110
extension of time fee submitted with the petition on
August 3, 2011 was subsequent to the maximum period obtainable
for reply (June 8, 2011), this fee has been refunded to
petitioner's Deposit Account 50-1676.

The application is being forwarded to Group Art Unit 1616 for consideration of the Amendment, filed August 3, 2011.

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

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/615,343	12/22/2006	Robert R. Buckley	A1651-US-DIV3	1760
75931	7590	09/09/2011	EXAMINER	
BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526			FABER, DAVID	
			ART UNIT	PAPER NUMBER
			2178	
			NOTIFICATION DATE	DELIVERY MODE
			09/09/2011	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):

dmasters@bnpatentlaw.com
dneels@bnpatentlaw.com
mnickerson@bnpatentlaw.com



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TECHNOLOGY CENTER 2100

In re Application of:
BUCKLEY, Robert et al.
Application No. 11/615,343
Filed: December 22, 2006
For: **METHOD FOR DOCUMENT VIEWING**

DECISION ON PETITION

This is a decision on the petition filed June 16, 2011 requesting a refund of \$360.00 "which was paid in excess because the Advisory Action of September 27, 2010 was not properly processed and conveyed to the undersigned in a timely manner."

The petition is **DENIED**.

The petition contains the following "**Statement of Facts**":

1. On July 27, 2010, the undersigned filed a Response under 37 C.F.R. 1.116 and included two terminal disclaimers.
2. On August 13, 2010, the terminal disclaimers were not accepted due to a policy change at the US Patent Office, implemented on August 2, 2010 wherein the US Patent Office was no longer accepting terminal disclaimers reciting that the full statutory term is defined in 35 U.S.C. §154 to §156 and §173. The US Patent Office changed its policy to require that the full statutory term be defined in 35 U.S.C. §154 and §173.
3. On August 25, 2010, the undersigned filed a second Response under 37 C.F.R. 1.116 and included a corrected terminal disclaimer. The undersigned inadvertently did not include the second corrected terminal disclaimer.
4. On September 27, 2010, the Examiner generated an Advisory Action (See Appendix A - PAIRS Transaction History for the above-identified application) indicating that the second corrected terminal disclaimer was missing.

5. On September 27, 2010, the undersigned called the Examiner to determine the status of the above-identified application. The undersigned left a voice message with the Examiner.
6. On September 29, 2010, the Examiner called the undersigned and indicated that an Advisory Action had been mailed on September 27, 2010 indicating that the second corrected terminal disclaimer was missing.
7. The above-identified application has been designated for electronic e-mail communications, not US Mail communications.
8. On October 1, 2010, the US Patent Office mailed the September 27, 2010 Advisory Action.

STATUTE, REGULATION AND PROCEDURE

MPEP 707.06(f) states:

The time for reply to a final rejection is as follows:

(A) *All* final rejections setting a 3-month shortened statutory period (SSP) for reply should contain one of form paragraphs 7.39, 7.40, 7.40.01, 7.40.02, 7.41, 7.41.03, 7.42.03, 7.42.031, or 7.42.09 advising applicant that if the reply is filed within 2 months of the date of the final Office action, the shortened statutory period will expire at 3 months from the date of the final rejection or on the date the advisory action is mailed, whichever is later. Thus, a variable reply period will be established. If the last day of "2 months of the date of the final Office action" falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, and a reply is filed on the next succeeding day which is not a Saturday, Sunday, or a Federal holiday, pursuant to 37 CFR 1.7(a), the reply is deemed to have been filed within the 2 months period and the shortened statutory period will expire at 3 months from the date of the final rejection or on the mailing date of the advisory action, whichever is later (see MPEP §710.05). In no event can the statutory period for reply expire later than 6 months from the mailing date of the final rejection.

(B) This procedure of setting a variable reply period in the final rejection dependent on when applicant files a first reply to a final Office action does not apply to situations where a SSP less than 3 months is set, e.g., reissue litigation applications (1-month SSP) or any reexamination proceeding.

I. ADVISORY ACTIONS

(C) Where the final Office action sets a variable reply period as set forth in paragraph (A) above AND applicant files a complete first reply to the final Office action within 2 months of the date of the final Office action, the examiner must determine if the reply:

- (1) places the application in condition for allowance - then the application should be processed as an allowance and no extension fees are due;
- (2) places the application in condition for allowance, except for matters of form which the examiner can change without authorization from applicant, MPEP § 1302.04 - then the

application should be amended as required and processed as an allowance and no extension fees are due; or

(3) does not place the application in condition for allowance - then the advisory action should inform applicant that the SSP for reply expires 3 months from the date of the final rejection or as of the mailing date of the advisory action, whichever is later, by checking box 1.b) at the top portion of the Advisory Action form, PTOL-303.

(D) Where the final Office action sets a variable reply period as set forth in paragraph (A) above, and applicant does NOT file a complete first reply to the final Office action within 2 months, examiners should check box 1.a) at the top portion of the Advisory Action form, PTOL-303.

(E) When box 1.b) at the top portion of the Advisory Action form, PTOL-303 is checked, the time for applicant to take further action (including the calculation of extension fees under 37 CFR 1.136(a)) begins to run 3 months from the date of the final rejection, or from the date of the advisory action, whichever is later. Extension fees cannot be prorated for portions of a month. In no event can the statutory period for reply expire later than 6 months from the date of the final rejection. For example, if applicant initially replies within 2 months from the date of mailing of a final rejection and the examiner mails an advisory action before the end of 3 months from the date of mailing of the final rejection, the shortened statutory period will expire at the end of 3 months from the date of mailing of the final rejection. In such case, if a petition for extension of time is granted, the due date for a reply is computed from the date stamped or printed on the Office action with the final rejection. See MPEP § 710.01(a). If the examiner, however, does not mail an advisory action until after the end of the 3-month period, the shortened statutory period will expire on the date the examiner mails the advisory action and any extension of time fee would be calculated from the mailing date of the advisory action.

37 CFR § 1.136(a) states:

(1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply, if a petition for an extension of time and the fee set in § 1.17(a) are filed, unless:

(i) Applicant is notified otherwise in an Office action;

(ii) The reply is a reply brief submitted pursuant to § 41.41 of this title;

(iii) The reply is a request for an oral hearing submitted pursuant to § 41.47(a) of this title;

(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.304 or to § 41.50 or § 41.52 of this title; or

(v) The application is involved in a contested case (§ 41.101(a) of this title).

(2) The date on which the petition and the fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The expiration of the time period is determined by the amount of the fee paid. A reply must be filed prior to the expiration of the period of extension to avoid abandonment of the application (§ 1.135), but in no situation may an applicant reply later than the maximum time period set by statute, or be granted an extension of time under paragraph (b) of this section when the provisions of this paragraph are available. See § 1.304 for extensions of time to appeal to the U.S. Court of Appeals for the Federal

Circuit or to commence a civil action; § 1.550(c) for extensions of time in *ex parte* reexamination proceedings, § 1.956 for extensions of time in inter partes reexamination proceedings; and §§ 41.4(a) and 41.121(a)(3) of this title for extensions of time in contested cases before the Board of Patent Appeals and Interferences.

(3) A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.

37 CFR § 1.2 states:

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.

PROSECUTION HISTORY

In the Final Office action mailed on May 28, 2010, only two grounds of rejection are made by the examiner. First, claims 1-6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over the claims of copending Application No. 11/615325. Second, claims 7-15 are rejected on the ground of nonstatutory obviousness-type double patenting over the claims of US Patent No. 7,529,755. The action on page 6 indicated claims 1-15 "would be allowable if the preceding double [patenting] rejections are resolved."

On July 27, 2010, applicant submitted Terminal Disclaimers for both Application No. 11/61325 and US Patent No. 7,529,755 to obviate the nonstatutory obviousness-type double patenting rejections. However, both Terminal Disclaimers were disapproved.

The Advisory action mailed August 23, 2010 notified applicant the basis for disapproving the Terminal Disclaimers.

It should be noted that the Office's PALM Resource Center, like applicant's PAIRS, shows two entries for August 13, 2010 with the description "Paralegal TD Not Accepted" corresponding to the two Terminal Disclaimers filed by the applicant. It should also be noted that PALM shows the Advisory action mailed on August 23, 2010 was counted or "generated" on August 17, 2010.

On August 25, 2010, applicant filed a corrected Terminal Disclaimer for US Patent No. 7,529,755, which was approved. However, the application was not in condition for allowance

since the outstanding rejection of claims 1-6 for the provisional nonstatutory obviousness-double patenting rejection over Applicant No. 11/615325 had not been overcome.

Furthermore, PALM shows a single entry of "Paralegal TD Accepted" on September 15, 2010 for the Terminal Disclaimer filed on August 25, 2010. Additionally, an Advisory action was counted or "generated" on September 27, 2010, and mailed via "Email Notification" on October 1, 2010. The electronic image file wrapper of the instant application reveals the existence of both the Advisory action and the "Email Notification" dated October 1, 2010.

On September 29, 2010, applicant filed a petition under 37 CFR 1.136(a) for a two month extension of time thereby extending the time period for reply to October 28, 2010. The accompanying Terminal Disclaimer for Application No. 11615325 was disapproved on October 20, 2010.

On October 28, 2010, applicant filed the second corrected Terminal Disclaimer for Application No. 11/615325, which was approved on November 23, 2010, resulting in the mailing of the Notice of Allowance on December 9, 2010.

DECISION

Initially, there is no evidence in the prosecution history of the instant applicant that "the advisory Action of September 27, 2010 was [not] properly processed and conveyed to the undersigned in a timely manner." Generally, Office correspondence cannot be mailed the same day it was counted or generated. As a result, to benefit applicants, the Office calculates the shortened statutory period to reply from the mail/email notification date of the correspondence. A lapse of three business days from counting/generating to actual mailing/email notification appears consistent with other correspondence of the instant application. Therefore, the grounds of the petition that "the advisory Action of September 27, 2010 was [not] properly processed and conveyed to the undersigned in a timely manner" is unfounded in the prosecution history of the instant application.

Furthermore, the Final Office action established a shortened statutory period of three months to reply expiring on August 28, 2010. In response to the final action, applicant filed terminal disclaimers on numerous occasions (July 27, 2010; August 25, 2010 and September 29, 2010). However, these terminal disclaimers failed to overcome all the rejections to place the case in condition for allowance.

Moreover, the Terminal Disclaimer filed on September 29, 2010 failed to obviate the provisional nonstatutory obviousness-type double patenting rejection over Application No. 11/615325. As a result, the shortened statutory period continued to run from the mail date of the Final Office action. It was not until the filing of the Terminal Disclaimer on October 28, 2010 which obviated the double patenting rejection over Application No. 11/615325 to place the application in condition for allowance. Therefore, irrespective of whether the applicant had the opportunity to file the September 29, 2010 Terminal Disclaimer on or before September 28, 2010, the

necessary extension of time to avoid abandonment must be calculated on the filing date of the Terminal Disclaimer which placed the application in condition for allowance, which is October 28, 2010. Therefore, failure to pay the petition for a two (2) month extension of time would result in the abandonment of the instant application.

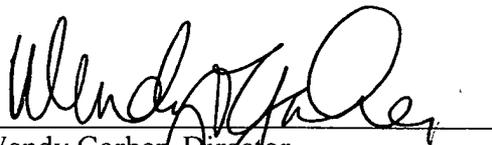
35 USC § 42(d) permits a refund of "any fee paid by mistake or any amount paid in excess of that required." Thus, the Office may refund: (1) a fee paid when no fee is required (a fee paid by mistake); or (2) any fee paid in excess of the amount of fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943) (the statutory authorization for the refund of fees is applicable only to a mistake relating to fee payment). As explained above, petitioner is not entitled to a refund since the fee of \$490.00 for the two month extension of time under 37 CFR § 1.136(a) is not in excess and required to avoid abandonment.

Pursuant to 37 CFR § 1.2, comments regarding oral communications between the applicant and the examiner cannot be relied upon as evidence in the decision of the instant petition. Likewise, petitioner is referred to MPEP § 710.06 for procedure regarding non-receipt of Office correspondence.

Finally, the email notification dated August 29, 2011 regarding a refund for the amount of \$490.00 was in error. To correct this error, a charge of \$490.00 for a two month extension of time fee was reapplied to applicant's account on the same day as the refund to maintain the pendency of the instant application.

Accordingly, petitioner's request for refund is **DENIED**.

Any inquiry concerning this decision should be directed to Eddie C. Lee whose telephone number is (571) 272-1732.


Wendy Garber, Director
Technology Center 2100



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PITTSFIELD MA 01201-3697

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OFFICE OF PETITIONS

In re Application of :
Goedmakers, et al. :
Application No. 11/615,376 : ON PETITION
Filed: December 22, 2006 :
Attorney Docket No. 219253-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned June 12, 2010 for failure to timely reply to the final Office action mailed March 11, 2010. Notice of Abandonment was mailed October 6, 2010.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1795 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

CC: KLEIN,RICHARD
Fay Sharpe LLP
The Halle Building
1228 Euclid Avenue, 5th Floor
Cleveland, OH 44115



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OFFICE OF PETITIONS

In re Application of :
Govaerts et al. :
Application No. 11/615,398 :
Filed: December 22, 2006 : DECISION ON PETITION
Attorney Docket No. 219277- : UNDER 37 C.F.R. § 1.137(B)
1/GEPL 2 00011 :
Title: LUMINESCENT SOLAR :
COLLECTOR HAVING CUSTOMIZABLE :
VIEWING COLOR :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed January 23, 2012, 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 within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed April 16, 2010, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were requested, and no response was received. Accordingly, the above-identified application became abandoned on July 17, 2010. A notice of abandonment was mailed on October 28, 2010.

On January 23, 2012, Petitioner filed a RCE along with the associated fee, remarks along with a terminal disclaimer and the associated fee, the petition fee, and the proper statement of unintentional delay.

The RCE has been accepted as the required reply under 37 C.F.R.

§ 1.137(b)(1). As such, 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 Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the remarks and the terminal disclaimer submitted concurrently on January 23, 2012 - can be processed in due course.

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 the Technology Center 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 the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until 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

¹ See Rule 1.137(d).

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

Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.



Paul Shanoski
Senior Attorney
Office of Petitions

cc: Richard M. Klein
Fay Sharpe LLP
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Cleveland, OH 44115-1843



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OFFICE OF PETITIONS

In re Application of :
Hoeks et al. :
Application No. 11/615,413 :
Filed: December 22, 2006 : DECISION ON PETITION
Attorney Docket No. 219895- : UNDER 37 C.F.R. § 1.137(B)
1/GEPL 2 00012 :
Title: LUMINESCENT SOLAR :
COLLECTOR :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed January 23, 2012, 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 within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed March 18, 2010, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested, and no response was received. Accordingly, the above-identified application became abandoned on June 19, 2010. A notice of abandonment was mailed on October 6, 2010.

On January 23, 2012, Petitioner filed a RCE along with the associated fee, remarks along with a terminal disclaimer and the associated fee, the petition fee, and the proper statement of unintentional delay.

The RCE has been accepted as the required reply under 37 C.F.R.

§ 1.137(b)(1). As such, 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 Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the remarks and the terminal disclaimer submitted concurrently on January 23, 2012 - can be processed in due course.

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 the Technology Center 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 the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be sent 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

¹ See Rule 1.137(d).

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

Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.



Paul Shanowski
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OFFICE OF PETITIONS

In re Patent No. 8,036,886	:
Griffin	:
Issue Date: October 11, 2011	:
Application No. 11/615,414	:
Filed: December 22, 2006	:
Attorney Docket No.03397-	:
0041001	:
Title: ESTIMATION OF PULSED	:
SPEECH MODEL PARAMETERS	:
	:

This is a decision on the petition filed on December 12, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred forty-one (1,241) days.

The request for reconsideration of the patent term adjustment (PTA) pursuant to 37 CFR 1.705(d) is **DISMISSED**.

Patentee's dispute the period of time excluded from B delay for appellate review. Patentee's argument has been considered, but not found persuasive. The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is 226 days, beginning on October 28, 2010 the date of filing of the notice of appeal and ending on June 10, 2011, the

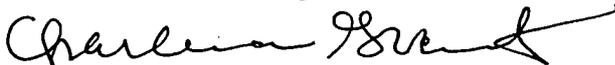
subsequent date of the mailing of a notice of allowance. Thus, B delay is 432 (658 - 226) days.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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



Charlema Grant
Attorney Advisor
Office of Petitions



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In re Application of :
William J. Vanderheyden :
Application No. 11/615,423 : DECISION ON PETITION
Filed: December 22, 2006 :
Attorney Docket No. **SUNM 070114 PUS** :

This is a decision on the petition, filed June 24, 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 is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 1, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 1, 2010.

Petitioner asserts that the Notice dated March 1, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

- (1) a statement from 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.
- (2) 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),

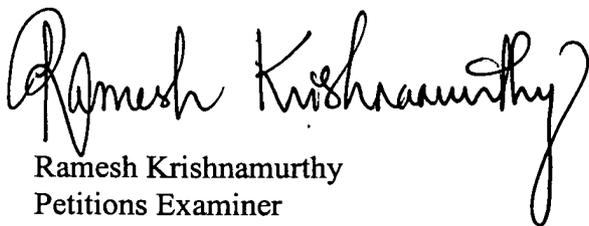
including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

- (3) 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. See MPEP §711.03(c)(I)(A).

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.

This application is being referred to the Technology Center AU 2627 technical support staff for re-mailing the Notice of Allowability and the Notice of Allowance and Fee(s) Due of March 1, 2010. The period for reply will be reset to expire three (3) months from the date the Notice is re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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

Mail Date: 08/03/2010

Applicant : Thorald Bergmann : DECISION ON REQUEST FOR
Patent Number : 7649667 : RECALCULATION of PATENT
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/615,445 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/22/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **339** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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LAW OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE CA 94087

MAILED

APR 08 2011

In re Application of :
LANSFORD, et al :
Application No. 11/615,583 :
Filed: December 22, 2006 :
Attorney Docket No. AF02109 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 5, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2892 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of :
Coroneo :
Application No. 11/615,615 : ON APPLICATION FOR
Filed: December 22, 2006 : PATENT TERM ADJUSTMENT
Docket No. 37528-503C01US :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(B), filed September 16, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is eight hundred ninety-one (891) days, not four hundred eighty-seven (487) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that he may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON, DC 20001

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Radim Bacinski	:	
Application No. 11/615,728	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. BOBJ-131/00US 304661-2254	:	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 March 8, 2011.

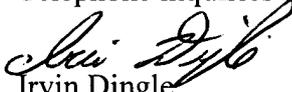
The request is **APPROVED**.

The request was signed by William S. Galliani on behalf of all the practitioners of record and the practitioners associated with Customer Number 23419.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Business Objects Software LTD at the above address.

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


Irvin Dingle
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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11/615,728

12/22/2006

Radim BACINSCHI

BOBJ-131/00US

304661-2254

CONFIRMATION NO. 1359

POWER OF ATTORNEY NOTICE

83282

Business Objects Americas; Business Objects S.A.
SAP America, Inc.; Business Objects Software Ltd.
Business Objects Data Integration, Inc.
777 6th Street NW, Suite 1100, Attn: B. Galliani
Washington, DC 20001



OC000000047028781

Date Mailed: 04/08/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/08/2011.

- 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.

/idingle/

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
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11/615,728

12/22/2006

Radim BACINSCHI

BOBJ-131/00US

304661-2254

CONFIRMATION NO. 1359

POA ACCEPTANCE LETTER



CC000000047028789

83282

Business Objects Americas; Business Objects S.A.
SAP America, Inc.; Business Objects Software Ltd.
Business Objects Data Integration, Inc.
777 6th Street NW, Suite 1100, Attn: B. Galliani
Washington, DC 20001

Date Mailed: 04/08/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/08/2011.

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.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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

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NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Dave Stuttard, et al. :
Application No. 11/615,833 : **NOTICE**
Filed: December 22, 2006 :
Atty Docket No.: HASE0006 :

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 patent 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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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AT&T Legal Department - ZO
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster NJ 07921

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OCT 24 2011

OFFICE OF PETITIONS

In re Patent No. 8,027,660 :
Issue Date: September 27, 2011 :
Application No. 11/615,848 : **DECISION ON PETITION**
Filed: December 22, 2006 :
Attorney Docket No. **BS 00-259CON/037-** :
0120-1 :

This is a decision on the petition, filed, September 26, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "AT&T Intellectual Property I, L.P., Atlanta, GA, US" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "AT&T Intellectual Property I, L.P., Atlanta, GA, US" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Terri Johnson at (571) 272-2991. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

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

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3435 or (703) 756-1814



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APR 04 2011

OFFICE OF PETITIONS

**CUENOT, FORSYTHE & KIM
12230 FOREST HILL BLVD.
SUITE 120
WELLINGTON FL 33414**

In re Application of :
Kale et al. : DECISION DISMISSING
Application No. 11/616,111 : PETITION UNDER
Filing Date: December 26, 2006 : 37 CFR § 1.183
Attorney Docket No.: CS30120JLO/
8119-0077

This Decision is in response to the petition under 37 C.F.R. § 1.47, filed October 8, 2010, which is being treated more properly as a petition under 37 CFR § 1.183 to waive of the requirements of 37 CFR 1.131 to the extent that it requires that all of the named inventors execute the declaration filed there under.

The petition is **DISMISSED**.

The application as-filed identified two inventors as the inventive entity: Kaustubh Kale (Kale) and Dominik Buszko (Buszko). Applicant filed a Combined Declaration of Joint Inventors Under 37 CFR 1.131, executed by Kale and Stephen H. Shaw of Motorola, Inc. in lieu of Buszko.

Applicant files the present petition and states that the inventor Buszko is unavailable to sign the Declaration under 37 CFR 1.131.

MPEP 715.04, Swearing back of Reference, Affidavit or Declarant Under 37 CFR 1.131, provides

The following parties may make an affidavit or declaration under 37 CFR 1.131:

(A) All the inventors of the subject matter claimed.

(B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.

(C) If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.

(D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. Ex parte Foster, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

Affidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37 CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not

possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims.

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

MPEP 409.03(d) states:

Where inability to find or reach a nonsigning inventor “after diligent effort” is the reason for filing under 37 CFR 1.47; a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an Applicant is unavailable. See MPEP 409.03(d), *supra*. In this instance, petitioner asserts that inventor Buszko is unavailable. However, the applicable statute (35 U.S.C. § 116) requires that a “diligent effort” have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Buszko, such that the declaration can be accepted. Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Buszko. It appears that Buszko was only contacted via telephone and a message via the website LinkedIn.com. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Buszko’s personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that Declaration under 37 CFR 1.131 was ever mailed unsuccessfully to the inventor’s last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor’s

last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Buszko's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, *e.g.*, through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Further, the Declaration under 37 CFR 1.131 submitted with the instant petition has Buszko's signature block signed by Stephen H. Shaw of Motorola, Inc. A declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. Accordingly, a declaration with the signature block of Buszko left blank should be submitted.

Further, as the petition is being more properly treated under 37 CFR 1.183 rather than 37 CFR 1.47, the petition fee required under 37 CFR 1.17(f) is \$400.00 instead of \$200.00. Petitioner should remit the additional \$200.00 with the renewed petition.

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

By mail: Mail Stop Petition
 Director 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 should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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**CUENOT, FORSYTHE & KIM
12230 FOREST HILL BLVD.
SUITE 120
WELLINGTON FL 33414**

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of Kale et al. :
Application No. 11/616,111 : DECISION NOTING JOINDER OF
Filed: December 26, 2006 : INVENTOR AND PETITION
Attorney Docket No. CS30120JLO/8119-0077 : UNDER 37 CFR 1.47(a)

Papers filed on May 11, 2011 in response to a "Decision Dismissing Petition under 37 CFR 1.183," mailed April 4, 2011, included a Declaration signed by a previously non-signing inventor, Dominik Buszko, in compliance with 37 CFR 1.131.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.183 is not necessary. This application need not be returned to this Office for any further consideration under 37 CFR 1.183.

This application is being referred to Technology Center AU 2617. A Notice of Allowance was mailed April 11, 2011. Failure to timely respond will result in abandonment of the instant application.

Telephone inquiries should be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Bong Hoe Kim, et al. :
Application No. 11/616,232 : DECISION ON PETITION
Filed: December 26, 2006 : UNDER 37 CFR 1.55(c)
Attorney Docket No.: 2101-3129C1 :

This is a decision on the petition under 37 CFR 1.55(c), filed July 22, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Korean Application Nos. 10-2004-0045067 and 10-2004-0045578, filed June 17, 2004 and June 18, 2004, respectively.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign applications, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign applications. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Savsa 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.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));

- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 2617 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/616,232, 12/26/2006, 2617, 1000, 2101-3129C1, 1, 1

CONFIRMATION NO. 2215

CORRECTED FILING RECEIPT



35884
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

Date Mailed: 08/10/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Bong Hoe Kim, Gyeonggi-Do, KOREA, REPUBLIC OF;
Joon Kui Ahn, Seoul, KOREA, REPUBLIC OF;
Hak Seong Kim, Seoul, KOREA, REPUBLIC OF;
Dong Wook Roh, Seoul, KOREA, REPUBLIC OF;
Dong Youn Seo, Seoul, KOREA, REPUBLIC OF;
Seung Hwan Won, Gyeonggi-do, KOREA, REPUBLIC OF;

Power of Attorney:

Jonathan Kang--38199 Richard Salfelder--51127
Farshad Far-Hadian--42523 Lew Edward Macapagal--55416
Amit Sheth--50176
Robert Kasody--50268
George Luckhardt--50519

Domestic Priority data as claimed by applicant

This application is a CON of 11/121,549 05/04/2005
which claims benefit of 60/567,430 05/04/2004

Foreign Applications

REPUBLIC OF KOREA 10-2004-0031379 05/04/2004

If Required, Foreign Filing License Granted: 01/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/616,232

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD OF ALLOCATING UPLINK TRANSMISSION CHANNELS IN A COMMUNICATION SYSTEM

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Patent No. 7,902,264 :
Issue Date: March 8, 2011 :
Application No. 11/616,373 :
Filed: December 27, 2006 :
Attorney Docket No. 217377-2 (P280151US) :

ON PETITION

This is a decision on the petition filed March 29, 2011, which will be treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED AS MOOT**.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(h) of this chapter.

Petitioner requests issuance of a certificate of correction to include the correct name of the attorney/agent on the title page of the patent. A petition under 37 CFR 3.81(b) is solely for changes to assignee information on the patent. As such this petition is not necessary and the petition fee will be refunded to petitioner's credit card.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of :
HAZEL et al. :
Application No. 11/616,392 : DECISION ON PETITION
Filed: December 27, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 203573 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 13, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

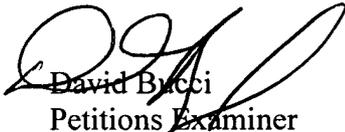
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1733 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.


David Buccia
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/616,392, 12/27/2006, 1733, 1130, 203573, 20, 3

CONFIRMATION NO. 2493

CORRECTED FILING RECEIPT



30952
HARTMAN AND HARTMAN, P.C.
552 EAST 700 NORTH
VALPARAISO, IN 46383

Date Mailed: 05/18/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Brian Thomas Hazel, West Chester, OH;
Ming Fu, Hamilton, OH;

Assignment For Published Patent Application

GENERAL ELECTRIC COMPANY, Schenectady, NY

Power of Attorney: The patent practitioners associated with Customer Number 30952

Domestic Priority data as claimed by applicant

This application is a CIP of 11/359,788 02/22/2006 PAT 7,524,382

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/17/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/616,392

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

CARBURIZATION PROCESS FOR STABILIZING NICKEL-BASED SUPERALLOYS

Preliminary Class

148

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : March 27, 2012

TO SPE OF : ART UNIT 2167

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/616482 Patent No.: 7747622

Co f C mailroom date: 09-21-10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Magdalene Talley

Certificates of Correction Branch

571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/Robert Beausoliel/
SPE

2167
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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IBM CORPORATION
PO BOX 12195
DEPT YXSA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

MAILED
SEP 03 2010
OFFICE OF PETITIONS

In re Application of :
James J. Bozek, et al. :
Application No.: 11/616,501 : ON PETITION
Filed: December 27, 2006 :
Attorney Docket No.: RPS920060249US1 :

This is a decision on the petition, filed September 2, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 14, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

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

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

The application is being referred to Technology Center AU 2116 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: EUSTACE P. ISIDORE
DILLON & YUDELL LLP
8911 NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 2110
AUSTIN, TX 78759



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

OCT 01 2010

OFFICE OF PETITIONS

CHARLES C. MCCLOSKEY
13321 N. OUTER 40 RD. STE. 100
TOWN & COUNTRY MO 63017

In re Application of :
Deborah BLOCKTON :
Application No. 11/616,668 : DECISION ON PETITION
Filed: December 27, 2006 :
Attorney Docket No. 161 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 18, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed November 18, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of \$755 and Publication Fee of \$300; (2) the petition fee of \$810; and (3) and the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent. .

/DCG/
Diane C. Goodwyn
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

SPRINKLE IP LAW GROUP / ZIMMER
1301 W. 25TH STREET
SUITE 408
AUSTIN TX 78705

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of :
FRANKEL, et al :
Application No. 11/616,714 : **DECISION ON PETITION**
Filed: December 27, 2006 : **TO WITHDRAW**
Attorney Docket No. ZIMM1480-1 : **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 15, 2012.

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

A review of the file record indicates that the power of attorney to Katharina W. Schuster, has been revoked by the assignee of the patent application on February 13, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be sent to the address indicated below until otherwise notified by the applicant.

Inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SEAGER, TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420



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
11/616,714	12/27/2006	Bruce M. Frankel	ZIMM1480-1

CONFIRMATION NO. 2970

POA ACCEPTANCE LETTER



33469
SEAGER, TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Date Mailed: 03/14/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2012.

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.

/dcgoodwyn/

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
11/616,714	12/27/2006	Bruce M. Frankel	ZIMM1480-1

CONFIRMATION NO. 2970

POWER OF ATTORNEY NOTICE



93380
Sprinkle IP Law Group / Zimmer
1301 W. 25th Street
Suite 408
Austin, TX 78705

Date Mailed: 03/14/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2012.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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www.uspto.gov

SPRINKLE IP LAW GROUP / ZIMMER
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of

LEMOINE, Jeremy J. et al.

Application No. 11/616,720

Filed: December 27, 2006

Attorney Docket No. **1292.1408101**

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:
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:
:
:
:

**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 February 16, 2012.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Sprinkle IP Law Group/Zimmer has been revoked by the assignee of the patent application on February 13, 2012. 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 new address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
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Application Number	11616750
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Filing Date	27-Dec-2006
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First Named Inventor	FREDERIC LATRILLE
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Attorney Docket Number	19.0451
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Title	METHOD AND APPARATUS FOR DOWNLOADING WHILE DRILLING DATA
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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

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

2. Reply and/or fee

- I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- Amendment and response are attached

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- RCE Request, Submission, and Fee are attached

Notice of Appeal

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

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.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/John M Vereb 48912/
Name	John Vereb
Registration Number	48912



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

Decision Date February 14, 2012

In re Application of FREDERIC LATRILLE

Application No. 11616750

Filed: 27-Dec-2006

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 19.0451

This is an electronic decision on the petition under 37 CFR 1.137(b), February 14, 2012, 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 outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. 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 the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

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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STEMEDICA CELL TECHNOLOGIES, INC
5375 MIRA SORRENTO PLACE, SUITE 100
SAN DIEGO CA 92121

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
Alexander Kharazi et al. :
Application No. 11/616,787 : **DECISION ON PETITION**
Filed: December 27, 2006 :
Attorney Docket No. STEM-20.PRV1.US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 18, 2011. Accordingly, the date of abandonment of this application is November 19, 2011. A Notice of Abandonment was mailed on December 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and the publication fee of \$300, (2) the petition fee of \$930, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
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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PASSE' INTELLECTUAL PROPERTY,
LLC
1717 BRASSFIELD RD.
RALEIGH NC 27614

MAILED
AUG 19 2010
OFFICE OF PETITIONS

In re Application of :
Rigsbee et al. :
Application No. 11/616801 :
Filing or 371(c) Date: 12/27/2006 : **ON PETITION**
Title of Invention: :
FISHING EQUIPMENT LIGHTING :
ASSEMBLY :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. § 1.137(a), filed April 12, 2010. Petitioner requests alternative treatment of the petition under 37 CFR 1.137(b), for Revival of an Application for Patent Abandoned Unintentionally.

This Petition Under 37 C.F.R. § 1.137(a) is hereby **dismissed**.

This Petition Under 37 C.F.R. § 1.137(b) is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice), mailed October 23, 2009. The Notice set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on January 24, 2010. A Notice of Abandonment was mailed February 11, 2010.

The present petition under 37 CFR 1.137(a)

Petitioner files the present petition and states that the Notice was not received. Petitioner states a Revocation of Power of Attorney with a new Power of Attorney and Change of Correspondence

Address was filed on behalf of Applicant, petitioner herein Olive & Olive, as counsel of record. Petitioner provides further that Olive & Olive acted as counsel of record for the present application, including the filing of three responses to office actions on Applicant's behalf. This Office, however, failed to fully effect the change in representation, and wrongly forwarded the Notice to the previous counsel, Passé Intellectual Property. Passé Intellectual Property has no recollection or record of receiving the Notice of Allowance.

Should this Office determine the abandonment was unintentional, petitioner requests this Office charge the appropriate fees to petitioners deposit account.

A Grantable Petition Under 37 CFR 1.137(a)

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), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (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(c).

Applicant lacks item (3) as set forth above.

The Unavoidable Standard

As to item (3), Applicant must provide 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. In order to determine whether the delay was unavoidable, the courts have adopted a "reasonably prudent person" standard. The courts have provided that:

[t]he 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).

“The critical phrase ‘unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable’ has remained unchanged since first enacted in 1861.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The standard for “unavoidable” delay for reinstating a patent is the same as the unavoidable standard for reviving an application. See Ray v. Lehman, 55 F.3d 606, 608-609, 34 U.S.P.Q.2d (BNA) 1786, 1787 (Fed. Cir. 1995) (citing In re patent No. 4,409,763, 7 U.S.P.Q.2d (BNA) 1798, 1800 (Comm’r Pat. 1990; Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982)). The court in In re Mattullath, accepted the standard which had been proposed by Commissioner Hall which “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.” In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)). However, “The question of whether an applicant’s delay in prosecuting an application was unavoidable [will] be decided on a case-by-case basis, taking all of the facts and circumstances into account.”¹ Nonawareness of the content of, or a misunderstanding of, PTO statutes, PTO rules, the MPEP, or Official Gazette notices, does not constitute unavoidable delay.²

The statute requires a “showing” by petitioner. Therefore, petitioner has the burden of proof. The decision will be based solely on the written, administrative record in existence. It is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to “show” that the delay was unavoidable.

Applicant is further advised that the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987).

¹ Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

² 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 nonawareness of PTO rules does not constitute “unavoidable” delay); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel’s actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

Specifically, petitioner's delay caused by the actions or inactions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); 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 (Comm'r Pat. 1891). 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).

Office records

A review of office records reveals that the application as-filed on December 27, 2006, named as the sole inventor Alvis Adrian Rigsbee, who appointed Passe' Intellectual Property, LLC practitioners to prosecute the present application. On February 10, 2009, in view of application papers filed on October 27, 2008, including the aforementioned Revocation of Power of Attorney with a New Power of Attorney, the inventorship was changed adding inventor Bryan K. Gibbs as an inventor. A review of the Revocation of Power of Attorney with a New Power of Attorney filed October 27, 2008, and relied upon by petitioner to assert that this Office failed to fully effect the change in representation, and wrongly forwarded the Notice to the previous counsel, reveals that the Revocation of Power of Attorney with a New Power of Attorney is executed by inventor Bryan Keith Gibbs only.

Analysis

As noted above, the Revocation of Power of Attorney with a New Power of Attorney is executed by inventor Bryan Keith Gibbs only. 37 CFR 1.32(b), states that a power of attorney must:

- (1) Be in writing;
- (2) Name one or more representatives in compliance with (c) of this section;
- (3) Give the representative power to act on behalf of the principal; and
- (4) Be signed by the applicant for patent (§ 1.41(b)) or the assignee of the entire interest of the applicant.

37 CFR 1.41(b) defines applicant "the inventor or joint inventors who are applying for a patent, or to the person mentioned in §§ 1.42, 1.43 or 1.47 who is applying for a patent in place of the inventor."

Petitioner is advised that the Revocation of Power of Attorney with a New Power of Attorney filed October 27, 2008, and relied upon by petitioner to assert that this Office failed to fully effect the change in representation, and wrongly forwarded the Notice to the previous counsel, may NOT be entered. The following is provided:

Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of

attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17(f) with a showing of sufficient cause (if revocation), or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney. (Emphasis supplied).

MPEP 402.10

Moreover, the MPEP states that

Where a correspondence address has been established on filing of the application or changed pursuant to 37 CFR 1.33(a)(1) (prior to the filing of an executed oath or declaration under 37 CFR 1.63 by any of the inventors), that correspondence address remains in effect upon filing of an executed oath or declaration under 37 CFR 1.63 and can only be subsequently changed pursuant to 37 CFR 1.33(a)(2). Under 37 CFR 1.33(a)(2), where an executed oath or declaration under 37 CFR 1.63 has been filed by any of the inventors, the correspondence address may be changed by (A) a patent practitioner of record, (B) an assignee as provided for under 37 CFR 3.71(b), or (C) all of the applicants (37 CFR 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 37 CFR 3.71. See 37 CFR 1.33(a)(2). (Emphasis supplied).

MPEP 601.03

In this instance, pursuant to 37 CFR 1.32(b), the Power of Attorney is unacceptable, and the correspondence address change was therefore not filed by (A) a patent practitioner of record, (B) an assignee as provided for under 37 CFR 3.71(b), or (C) all of the applicants (37 CFR 1.41(b)) for patent.

The MPEP 402.10, cited in part above, continues explaining the process whereby, on petition, the Office will allow appointment of an attorney by fewer than all of the inventors as follows:

The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.36(a) or 1.183 will result in more than one attorney, agent, applicant, or owner prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. See *In re Goldstein*, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988). In an application filed under 37 CFR 1.47(a), an assignee of the entire interest of the available inventors (i.e., the applicant) who have signed the declaration may appoint or revoke a power of attorney without a petition under 37 CFR 1.36(a) or 1.183. See MPEP § 402.07. However, in applications accepted under 37 CFR 1.47, such a petition under 37 CFR 1.36(a) or 1.183

submitted by a previously nonsigning inventor who has now joined in the application will not be granted. See MPEP § 409.03(i). Upon accepting papers appointing and/or revoking a power of attorney that are signed by less than all of the applicants or owners, the Office will indicate to applicants who must sign subsequent replies. Dual correspondence will still not be permitted. Accordingly, when the acceptance of such papers results in an attorney or agent and at least one applicant or owner prosecuting the application, correspondence will be mailed to the attorney or agent. When the acceptance of such papers results in more than one attorney or agent prosecuting the application, the correspondence address will continue to be that of the attorney or agent first named in the application, unless all parties agree to a different correspondence address. Each attorney or agent signing subsequent papers must indicate whom he or she represents. The following are examples of who must sign replies when there is more than one person responsible for prosecuting the application:

- (A) If coinventor A has given a power of attorney to a patent practitioner and coinventor B has not, replies must be signed by the patent practitioner of A and by coinventor B.
- (B) If coinventors A and B have each appointed their own patent practitioner, replies must be signed by both patent practitioners.

The statement of unavoidable delay

As to item (3), Applicant is advised that the statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

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

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire 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.** (Emphasis supplied).

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein was ever given a power of attorney to act on behalf of the other inventor, the petition is considered to not contain a proper statement of unavoidable delay.

Conclusion

The evidence has been considered, and while the failure to timely file a proper power of attorney/change of correspondence address may be said to have been unintentional, Petitioner has failed to demonstrate that it was unavoidable. The petition under 37 CFR 1.137(a) is dismissed.

Petition under 37 CFR 1.137(b)

Applicable law, Rules and MPEP

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).

The present petition lacks item (3).

The statement of unintentional delay

As to item (3), Applicant is advised that the statement of unintentional delay is also not acceptable as iterated *supra*. An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. MPEP 714.01.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein was ever given a power of attorney to act on behalf of the other inventor, the petition is considered to not contain a proper statement of unintentional delay.

The fee for the petition under 37 CFR 1.137(b) has been charged to petitioner's deposit account.

Finally, 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.

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

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

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

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

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

CC: OLIVE & OLIVE, P.A.
P.O. BOX 2049
DURHAM, NC 27702



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DURHAM NC 27702

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of :
Rigsbee et al. :
Application No. 11/616801 :
Filing or 371(c) Date: 12/27/2006 : ON PETITION
Title of Invention: :
FISHING EQUIPMENT LIGHTING :
ASSEMBLY :

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. § 1.137(a), filed September 13, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice), mailed October 23, 2009. The Notice set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on January 24, 2010. A Notice of Abandonment was mailed February 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of the issue and publication fees; (2) the petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

The application will be referred to the Publishing Division for processing into a patent in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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SABIC - O8CV - CPP
SABIC INNOVATIVE PLASTICS - IP LEGAL
ONE PLASTICS AVENUE
PITTSFIELD, MA 01201-3697

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of :
Juikar et al. :
Application No. 11/616,967 : **ON PETITION**
Filed: December 28, 2006 :
Attorney Docket No. 199556-1 (RD35397) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 9, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and the submission required by 37 CFR 1.114, (2) the petition fee of \$1,620 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) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition 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 Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 1796 for further examination on the merits



Carl Friedman
Petitions Examiner
Office of Petitions

cc: CHRIS P. KONKOL
CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103



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Date

: July 11, 2011

Patent No. :7825203
Inventor(s) :Adel Farhan Halasa
Issued :November 2, 2010
Title :CATALYST SYSTEM FOR SYNTHESIZING AMINE FUNCTIONALIZED
:RUBBERY POLYMERS GTRC-78US

Consideration has been given your request for the issuance of a certificate of correction for the above identified patent.

Accordingly, applicants' proposed request to change date presented in Col. 12, line 35 from that which is presented in the printed patent has been determined unwarranted. The change as presented is the result of an examiners amendment made at time of allowance. See NOA July 1, 2010.

In view of the forgoing your request in this matter is hereby denied. Any telephone inquiries concerning this communication should be directed to Ms. A. Green at (571) 272-9005.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch

(703) 756-1580 or (571) 272-9005

Randalls S. Jackson, Jr., Esq.
Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, Ohio 45202

/arg



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**SOROKER-AGMON ADVOCATE AND PATENT ATTORNEYS
NOLTON HOUSE, 14 SHENKAR STREET
HERZELIYA PITUACH 46725 IL ISRAEL**

MAILED

JUL 14 2011

In re Application of :
Meir Shitrit :
Application No. 11/617,132 :
Filed: December 28, 2006 :
Attorney Docket No. 4325/23.2 :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 09, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before February 14, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed November 12, 2010. Accordingly, the date of abandonment of this application is February 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Allowance of November 12, 2010 is accepted as having been unintentionally delayed.

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 decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **SOROKER-AGMON**
ADVOCATES & PATENT ATTORNEYS
NOLTON HOUSE
14 SHENKAR ST.
P.O. BOX 12425
HERZLIYA PTIUACH 46733 ISRAEL



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

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of :
Chungyeol Paul Lee :
Application No. 11/617,343 : ON REQUEST FOR
Filed: December 28, 2006 : RECONSIDERATION OF
Attorney Docket Number: 18127US02 : PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed July 14, 2010. Applicant believes that he should be accorded an additional PTA of 99 days. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment solely as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

In view thereof, the correct determination of PTA prior to issuance is **five hundred thirty-eight (538) days** (538 days of PTO delay, reduced by 0 days of Applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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SUITE 3400
CHICAGO IL 60661

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APR 12 2011

OFFICE OF PETITIONS

In re Application of :
Chungyeol Paul Lee :
Application No. 11/617,343 :
Filed: December 28, 2006 :
Patent No. 7,809,408 : ON REQUEST FOR
Issued: October 5, 2010 : RECONSIDERATION OF
Attorney Docket Number: 18127US02 : PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(d), filed December 2, 2011. Patentees believe that they should be accorded additional PTA of 1 day due to the Office not issuing the patent within three years.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment is **DISMISSED**.

On October 5, 2010, the instant application matured into U.S. Patent No. 7,809,408 with a patent term adjustment of 636 days. The Office determined a patent term adjustment of 636 days based upon 538 days of Office delay pursuant to 37 CFR 1.703(a)(1) and 98 days pursuant to 37 CFR 1.703(b), reduced by 0 days of Applicant delay.

Patentees argues that the Office should have been assessed 99 days of delay pursuant to 37 CFR 1.703(b), not the 98 days presently accorded. Patentees' argument has been considered, but is not persuasive. 37 CFR 1.703(b) states, in part:

37 CFR 1.703(b)(1) sets forth, *in toto*:

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods:

(1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

It follows that the proper manner of calculating the RCE-cutoff is to terminate the over three year period on the day before the RCE was filed, since 37 CFR 1.703(b)(1) expressly states that the day on which the RCE was filed is not included in the over three year period.

Accordingly, at issuance, the Office properly entered 98 additional days of patent term adjustment for the Office taking in excess of three years to issue the patent.

In view thereof, the correct number of days of patent term adjustment is **six hundred thirty-six (636)** days

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Anthony Knight
Director
Office of Petitions



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Decision Date : February 14, 2012

In re Application of :

Anthony Kihm

Application No : 11617346

Filed : 28-Dec-2006

Attorney Docket No : 026038.0219PTUS

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27777 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11617346	
Filing Date	28-Dec-2006	
First Named Inventor	Anthony Kihm	
Art Unit	1633	
Examiner Name	KEVIN HILL	
Attorney Docket Number	026038.0219PTUS	
Title	Treatment Of Peripheral Vascular Disease Using Postpartum-Derived Cells	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32042 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		27777 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Scott A. Chambers/	
Name	Scott A. Chambers	
Registration Number	37573	



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SNR DENTON US LLP
PO BOX 061080
CHICAGO IL 60606-1080

MAILED

JUL 29 2011

OFFICE OF PETITIONS

In re Application of :
Imura :
Application No. 11/617,407 : DECISION ON PETITION
Filed: December 28, 2006 :
Attorney Docket No. 70026880-0103 :

This is a decision on the petition under 37 CFR 1.137(a), filed July 5, 2011, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file an Appeal Brief in response to the Notice of Panel Decision for Pre-Appeal Brief Review, mailed August 12, 2010. This Notice set an extendable period for reply of one (1) month. Therefore, the last day applicant could have timely filed an Appeal Brief with the maximum five month extension of time would have been February 12, 2011. The Office mailed a Notice of Abandonment on December 6, 2010.

A review of the application file reveals the presence of an Appeal Brief, filed on January 12, 2011, made timely by obtaining a four month extension of time. A review of Office finance records confirms that the Office received the fee for the Appeal Brief and four month extension on that same date. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The application is being forwarded to Group Art Unit 3742 for consideration of the Appeal Brief, timely filed with a four month extension of time on January 12, 2011.

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

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is written in a cursive, somewhat stylized font.

Cliff Congo
Petitions Attorney
Office of Petitions



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

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of
Gregory R. Conti
Application No. 11/617,411
Filed: December 28, 2006
Attorney Docket No. TI-61407

:
:
:
:
:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 7, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and corrected drawings, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center 2434 for further examination on the merits

Alicia Kelley
Petitions Examiner
Office of Petitions



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**GROSSMAN, TUCKER, PERREAULT
& PFLEGER, PLLC
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402**

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
KUMAR, et al :
Application No. 11/617,439 : **DECISION ON PETITION**
Filed: December 28, 2006 :
Attorney Docket No. P23297 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 7, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 7, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and publication fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

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 decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: EDMUND P. PFLEGER
GROSSMAN, TUCKER, PERREAULT
& PFLEGER, PLLC
55 S. COMMERCIAL STREET,
MANCHESTER, NH 03101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/617,848	12/29/2006	Shinobu OHNAKA	301362US8	4898

22850 7590 08/24/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

WU, JIANYE

ART UNIT	PAPER NUMBER
2462	

NOTIFICATION DATE	DELIVERY MODE
08/24/2011	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):

patentdoCKET@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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AUG 23 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

OBLON, SPIVAK, MCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of: OHNAKA, Shinobu
Application No.: **11/617,848**
Filed: December 29, 2006
Docket No.: 301362US8
Title: INFORMATION PROCESSING
APPARATUS, INFORMATION PROCESSING
METHOD, AND PROGRAM

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

This is a decision on the petition filed on **August 2, 2011** under 37 CFR § 1.181(a)(3) requesting that the Examiner consider all references listed on the PTO-1449 filed with the Information Disclosure Statements (IDS) on December 29, 2006.

The petition is **DISMISSED AS MOOT**.

A review of the file of the instant application indicates that, on August 22, 2011, the Office considered each of the references listed on the PTO-1449 above mentioned and that applicant was informed of such via a PTO-90C communication. Since each of those references listed on the above mentioned IDS has already been considered, this petition is rendered moot.

Accordingly, the petition is **DISMISSED AS MOOT**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Hassan Kizou, Quality Assurance Specialist, can be reached at (571) 272-3088.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security



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Decision Date : January 12, 2012

In re Application of :

William Schmidt

Application No : 11617912

Filed : 29-Dec-2006

Attorney Docket No : ML 0230 PUS

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 12, 2012 , 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 of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11617912
Filing Date	29-Dec-2006
First Named Inventor	William Schmidt
Art Unit	2451
Examiner Name	JOHN WALSH
Attorney Docket Number	ML 0230 PUS
Title	VIDEO MONITORING SYSTEM FOR SCHOOL BUSES

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;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

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.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/John A. Artz/
Name	John A. Artz
Registration Number	25824



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

Joseph Bain
Novak Druce & Quigg LLP
525 Okeechobee Blvd
Suite 1500
West Palm Beach FL 33401

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application: :
Yevgen Kalynushkin et al. :
Application No. 11/617,925 : **NOTICE**
Filed: December 29, 2006 :
Attorney Docket No. 060735.00004 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 6, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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.

This file is being forwarded to Technology Center 1729.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application :
Behzad :
Application No. 11/618,181 : PATENT TERM ADJUSTMENT
Filed: December 29, 2006 :
Dkt. No.: 18123US02 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed December 2, 2010.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 820 days, not 607 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent. Applicant also requests this correction on the basis that the reduction of two days pursuant to 37 CFR 1.704(b) is in error.

37 CFR 1.702(b)

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

Receipt is hereby acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of \$200.00. See, 37 CFR 1.18(e).

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

37 CFR 1.704(b)

Applicant argues that the reduction of two days in connection with the reply filed February 1, 2010 is in error. Applicant reply on 37 CFR 1.6(a)(1) and 1.7(a) to assert that the reply to the non-final Office action was timely filed, and, thus, no reduction is appropriate.

Applicant's argument has been carefully considered, but is not found persuasive. A review of the record reveals that the non-final Office action was mailed October 30, 2009. The reply thereto was filed February 1, 2010, three months and two days after the mail date of the non-final Office action. Thus, in accordance with 37 CFR 1.704(b), a reduction of two days is appropriate.

Applicant's attention is directed to MPEP 2731 wherein it states in part:

“Moreover, 37 CFR 1.703(f) provides that the date indicated on any certificate of mailing or transmission under 37 CFR 1.8 shall not be taken into account in this calculation. The date indicated on a certificate of mailing is used only to determine whether the correspondence is timely (including whether any extension of the time and fee are required) so as to avoid abandonment of the application or termination or dismissal of

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

proceedings. The actual date of receipt of the correspondence in the Office is used for all other purposes. See 37 CFR 1.8(a). Thus, while the date indicated on any certificate of mailing or transmission under 37 CFR 1.8 will continue to be taken into account in determining timeliness, the date of filing (37 CFR 1.6) will be the date used in a patent term adjustment calculation.”

As the date of receipt of correspondence is the date used for the purposes of calculating patent term adjustment and reduction, the two day reduction accorded pursuant o 37 CFR 1.704(b) will not be restored.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Frank Robert NEMIROFSKY, et al :
Application No. 11/618,272 :
Filed: December 29, 2006 :
Attorney Docket No. EXPH0004C :

**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 November 9, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not proper since the assignee indicated has not been made of record under 37 C.F.R 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: EXPHAND, INC.
ONE ANNABEL LANE, SUITE 216
SAN RAMON, CA 94583



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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
NEMIROFSKY, et al :
Application No. 11/618,272 : DECISION ON PETITION
Filed: December 29, 2006 :
Attorney Docket No. 28537-18428 :
US/EXPH0004C :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) the required 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) 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 Terminal Disclaimer filed March 23, 2011, is acknowledged and will be processed by the Technology Center.

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 \$555 extension of time fee submitted with the petition on March 23, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 19-2555.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2157 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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APR 15 2011

OFFICE OF PETITIONS

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

In re Application of :
Frank Robert NEMIROFSKY, et al :
Application No. 11/618,272 : **DECISION ON PETITION**
Filed: December 29, 2006 : **TO WITHDRAW**
Attorney Docket No. EXPH0004C : **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 March 22, 2011.

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

A review of the file record indicates that the power of attorney to Michael A. Glenn and the attorneys associated with Customer No. 22862, has been revoked by the assignee of the patent application on March 23, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: FRANK R. NEMIROFSKY
71 JANIS COURT
ALAMO CA 94507

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120409

DATE : March 19, 2012

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: 11/618,328

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

The changes requested in teh request for certificate of correction dated 03/15/2012 are approved as not changing scope of application or claims.

/NICK CORSARO/
Supervisory Patent Examiner.Art Unit 2617



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SEP 09 2010

OFFICE OF PETITIONS

Sunstein Kann Murphy & Timbers, LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of	:	
Hidde De Haan, et. al.	:	
Application No. 11/618,333	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO WITHDRAW FROM
Attorney Docket No. 3081/103	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed June 23, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest, *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named signing inventor.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

In view of the above, 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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

SEP 29 2010

OFFICE OF PETITIONS

Sunstein Kann Murphy & Timbers, LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of	:	
Hidde De Haan, et. al.	:	
Application No. 11/618,333	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO WITHDRAW FROM
Attorney Docket No. 3081/103	:	RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed September 17, 2010.

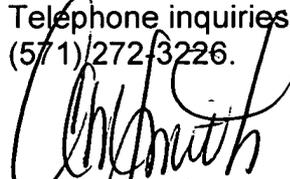
The request is **APPROVED**.

The request was signed by George J. Jakobsche on behalf of himself and all the attorneys/agents associated with customer number 02101. Therefore, George J. Jakobsche and all the attorneys/agents associated with customer number 02101 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

The request to change the correspondence is acceptable since is that of the intervening assignee that complied with the requirements of 37 CFR 3.73(b). Therefore, all future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

cc: Final Sound International PTE LTD.
Eisenhowerweg 8d
AC Veghel 5466 NL



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
11/618,333	12/29/2006	Hidde de Haan	3081/103

2101
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

CONFIRMATION NO. 5649
POWER OF ATTORNEY NOTICE



Date Mailed: 09/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/17/2010.

- 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.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Marger Johnson & McCollom PC - Leviton
210 SW Morrison, Suite 400
Portland OR 97204

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application of :
John B. Engel :
Application No. 11/618357 : DECISION
Filing or 371(c) Date: 12/29/2006 : ON PETITION
Patent No.: 7855548/ :
Issue Date: 12/21/2010 :
Attorney Docket Number: 6639-139 :

This is a decision on the “request to Correct the Name of the Assignee,” filed August 4, 2011. The request is properly treated as a petition under 37 CFR 3.81(b)¹, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. .

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect the additional name of LEVITON MANUFACTURING COMPANY, INC., as the assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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October 7, 2010

Paul Gonzales
Novak Druce & Quigg LLP
1000 Louisiana Street, 53rd Floor
Houston, TX 77002

Patent No.: 7,802,201 B2
Application No.: 11/618,382
Inventor(s): Matthew Richard Lee
Issued: September 21, 2010
Title: **SYSTEM AND METHOD FOR PANNING AND ZOOMING AN IMAGE ON A DISPLAY OF A HANDHELD ELECTRONIC DEVICE**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

A petition under C.F.R. 1.182 is, required to correct the alleged error in an inventor's name/address, since an inventor's address is printed in accordance with the Declaration or the PTOL-85B (Issue Fee Transmittal), in file at the time of payment of the base issue fee. The Patent and Trademark Office did not make the error in the printing of the patent. An inventor's address is a matter not affecting the validity of technical subject matter of the patent, and since inventors often move both before the issuance of the patent and afterwards, no correction is in order under the provision of Rule 1.323, unless a petition under 1.18

In view of the foregoing, your request, in this matter, is hereby denied.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 1.182 should be directed to the following address or facsimile number:

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) 273-0025
 ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/

Virginia Tolbert

For Mary Diggs, Supervisor

Decisions & Certificates

Of Correction Branch

(571) 272-0460 (voice)

(571) 270-9892 (fax)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/9/10

Paper No.:

TO SPE OF : ART UNIT 2173

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/618382 Patent No.: 7820226/B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

/Kieu Vu/

SPE AU 2173



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/618,423	12/29/2006	Stacey J. Crawford	20655.8800	5792
66170	7590	12/14/2011	EXAMINER	
Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			FRANKLIN, JAMARA ALZAIDA	
			ART UNIT	PAPER NUMBER
			2876	
			NOTIFICATION DATE	DELIVERY MODE
			12/14/2011	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):

HSOBELMAN@SWLAW.COM
DMIER@SWLAW.COM
krigby@SWLAW.COM



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Snell & Wilmer L.L.P. (AMEX)
ONE ARIZONA CENTER
400 E. VAN BUREN STREET
PHOENIX AZ 85004-2202

In re Application of: :
CRAWFORD, STACEY J. et al :
Serial No. 11/618,423 :
Filed: Dec. 29, 2006 :
Docket: 20655.8800 :
Title: FRAUD CONTROL WHEN GRANTING :
INSTANT CREDIT :

DECISION ON REFUND
REQUEST

This is a decision on the Request for Refund of extension of time fee filed November 2, 2011 because the applicant did not receive any Advisory Action after filing of the Rule 116 Amendment on January 27, 2011.

The Request for Refund is denied.

In the request for refund, the applicant argues that the three-month extension of time was wrongly charged. In particular, the applicant asserts that in order to file a timely Notice of Appeal on June 8, 2011, he was forced to pay a three-month extension of time to avoid abandonment because there was no Advisory Action mailed. This line of arguments is irrelevant to the payment of extension of time to avoid abandonment. The arguments are not persuasive. This application was under final rejection of December 8, 2010. It is the applicant's responsibility to take the necessary action in an application under final Office action to provide a complete reply under 37 CFR 1.113. The applicant has taken no action to make any inquiry after the filing of the Rule 116 amendment 37 CFR 1.116 and 37 CFR 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal. Applicant should ensure that the amendment had been entered or applicant should file either a Request for Continued Examination (RCE), continuing application, or Notice of Appeal. In this case, the applicant waited at the end of the six months from the date of the final rejection mailed December 8, 2010 to file a Notice of Appeal with three months extension of time to avoid abandonment. With regard to the requested refund of extension of time fee, 35 USC § 42(d) permits a refund of "any fee paid by mistake or any amount paid in excess of that required." Thus, the Office may refund: (1) a fee paid when no fee is required (a fee paid by mistake); or

(2) any fee paid in excess of the amount of fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943) (the statutory authorization for the refund of fees is applicable only to a mistake relating to fee payment). However, the applicant has not shown, nor does inspection of the record reveal, that the fee in question was paid either in excess or by mistake. Since the fee was paid in the proper amount, the fee was not paid in excess.

The issue here is whether the fee for extension of time was paid by mistake. The extension of time fee was owed at the time it was paid, and it was paid by a duly authorized representative of the applicant. The extension of time fee paid on June 8, 2011 was necessary to prevent the application from going abandoned and to respond to the final rejection of December 8, 2010. Such is not a mistake within the meaning of the statutes and regulations. Under the circumstances, the requested refund can not be approved. The Office has no authority to waive any fees.

For the foregoing reasons, the requested refund will not be granted. Specifically, the extension of time fee was not paid by mistake. The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 2876 awaiting the applicant's response to the final rejection mailed on October 21, 2011.

Request for Refund is denied.

/Timothy Cole/

Patent Appeal Center



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

INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

SEP 23 2010

In re Application of

Koufaty, et al.

OFFICE OF PETITIONS

Application No. 11/618,450

DECISION ON PETITION

Filed: December 29, 2006

Attorney Docket No. 42390P23415

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 2, 2010.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on January 29, 2010, after it was believed that a proper response was received to the restriction/election requirement mailed December 28, 2009, which set a shortened period for reply of one month from its mailing date. A Notice of Abandonment was mailed July 28, 2010.

Petitioner maintains that a proper and timely response to the restriction/election requirement was transmitted via facsimile on January 28, 2010. As evidence of the same, petitioner provides a copy of the transmittal containing a certificate of transmission dated January 28, 2010.

Petitioner's argument has been considered and is persuasive. Section 711.03(c) of the MPEP provides, in pertinent part, that:

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 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).

A review of the copy of the Transmittal Form reveals that it contains a certificate of mailing dated January 28, 2010, that is signed by Thomas Lane who also signed the petition document. Petitioner properly used the protections offered by 37 CFR 1.8 and is, therefore, entitled to assert that the response transmitted January 28, 2010, is timely and complete by virtue of the certificate of transmission dated January 28, 2010, contained thereon. The petition is granted, accordingly.

The copy of the response filed January 28, 2010, is noted.

A courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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

The application file is being forwarded to Technology Center GAU 2185 for further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:

Thomas Lane
Intel Corporation
4040 Lafayette Center Drive
Chantilly, VA 20151

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTOISSB131 (01-10)

Approved for use through 03/28/2011; OMB 0851-0026

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.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket
Number:

42P24931

Patent Number: 7,666,555

Filing Date

(or 371(b) or (f) Date): 12-29-2006

Issue Date: 02-23-2010

First Named
Inventor:

Michael Goldstein

Title: PELLICLE, METHODS OF FABRICATION & METHODS OF USE FOR EXTREME ULTRAVIOLET LITHOGRAPHY

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappas*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature: /Rahul D. Engineer/

Date: July 14, 2010

Name
(Print/Typed): Rahul D. Engineer

Registration Number: 47548

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 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.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappas*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

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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INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 09/08/2010

Applicant : Michael Goldstein : DECISION ON REQUEST FOR
Patent Number : 7666555 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/618,487 : OF WYETH AND NOTICE OF INTENT TO
Filed : 12/29/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **399** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101203

DATE : December 3, 2010

TO SPE OF : ART UNIT 2878

SUBJECT : Request for Certificate of Correction on Patent No.: 7,423,255

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

The Request for Certification of Correction filed 4/27/10 is approved.

SPE: Georgia Y. Epps

Art Unit 2878



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed : 10/25/10

Patent No. : 7777322 B2

Patent Issued : 08/17/10

Docket No. : **DIAL/005**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 09/28/10; please see attachments.

“Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322.”

In view of the foregoing, your request in this matter is hereby denied.

A handwritten signature in cursive script that reads "Lamonte M. Newsome".

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

WALL & TONG , LLP
25 James Way
Eatontown NJ 07724

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/09/10

TO SPE OF : ART UNIT 2892

SUBJECT : Request for Certificate of Correction for Appl. No.: 11618552 Patent No.: 7777322

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|--|
| <input type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input checked="" type="checkbox"/> Denied | State the reasons for denial below. |

Comments: .COC is denied because delete "AlInGaP" and insert "A1InGaP" is improper. A1InGaP is not a proper annotation for aluminum Indium gallium phosphide

/Thao X. Le/
SPE

2892
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/25/11

TO SPE OF : ART UNIT 2892

SUBJECT : Request for Certificate of Correction for Appl. No.: 11618552 Patent No.: 7777322

CofC mailroom date:

11/09/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: OK to enter

/Thao X. Le/

SPE

2892

Art Unit



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Krajec Patent Offices, LLC / Sandwave IP, LLC
1635 Foxtrail Drive, Suite 321
Loveland CO 80538

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of :
Bishop :
Application No. 11/618,560 :
Filed: December 29, 2006 :
Attorney Docket No. MEDI16USU1 :
For: TRAFFIC ROUTING BASED ON :
GEOPHYSICAL LOCATION :

ON PETITION

This is a decision on the petition, filed March 7, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the September 1, 2010 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on December 2, 2010. A Notice of Abandonment was mailed on April 1, 2011.

Applicant has submitted an amendment in reply to the September 1, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 1, 2010 non-final Office action, and the \$810.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 2478 for consideration of the amendment filed on March 7, 2011.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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Krajec Patent Offices, LLC / Sandwave IP, LLC
1635 Foxtrail Drive, Suite 321
Loveland CO 80538

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of

Donald M. Bishop

Application No. 11/618,560

Filed: December 29, 2006

Attorney Docket No. **MEDI16USU1**

:
:
:
: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed July 20, 2011. The final Office action set a shortened statutory period for reply of three months from its mailing date. A proper response was received, and the application became abandoned on October 21, 2011. A Notice of Abandonment was mailed February 2, 2012.

The Request for Continued Examination filed February 6, 2012, is noted.

The application file is being forwarded to Technology Center 2400, GAU 2478 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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MAILED
MAR 05 2012

OFFICE OF PETITIONS

IPSG, P.C.
P.O. BOX 700640
SAN JOSE CA 95170

In re Application of :
Dhindsa et al. :
Application No. 11/618,563 :
Filed: December 29, 2006 : DECISION ON PETITION
Attorney Docket No. P1547/LMRX- : PURSUANT TO
P119 : 37 C.F.R. § 1.137(B)
Title: METHOD AND APPARATUS FOR :
PROCESSING A SUBSTRATE USING :
PLASMA :

This is a decision on the petition filed January 23, 2012, pursuant to 37 C.F.R. § 1.137(b), 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 submit an Appeal Brief within two-months of the filing of a Notice of Appeal, filed on March 11, 2011. No extensions of time pursuant to 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on May 12, 2011. A Notice of Abandonment was mailed on September 27, 2011.

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.

Petitioner has submitted the petition fee, an Appeal Brief, and the proper statement of unintentional delay. The \$620 fee that is associated with the filing of an Appeal Brief will be charged to Deposit Account No. 50-2284, as authorized in the Notice of Appeal.

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 Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the Appeal Brief that was received on January 23, 2012 can be processed.

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 the Technology Center 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 the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.


Paul Shanowski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

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



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KRAJEC PATENT OFFICES, LLC / SANDWAVE IP, LLC
1635 FOXTRAIL DRIVE, SUITE 321
LOVELAND, CO 80538

MAILED
JUL 01 2011
OFFICE OF PETITIONS

In re Application of
Donald M. Bishop
Application No. I1/618,584
Filed: December 29, 2006
Attorney Docket No.: MEDI19USU1

ON PETITION

This is a decision in response to the petition, filed June 16, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 13, 2010. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the response filed June 16, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Ivy Antrinette Marlonia
1712 E. CRESCENT WAY
CHANDLER AZ 85249

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FEB 01 2012

OFFICE OF PETITIONS

In re Application of
Marlonia
Application No. 11/618,599
Filed: November 3, 2008
Atty. Dkt. No.: MI02-01U

:
: DECISION ON PETITION
:
:
:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 18, 2012.

The Notice mailed November 28, 2011 set a three month statutory period of time for reply, making a reply due on or before February 28, 2012. Accordingly, a holding of abandonment was prematurely rendered at the time of mailing of Notice of Abandonment on December 7, 2011.

In view thereof, the holding of abandonment is hereby **WITHDRAWN** and the Notice of Abandonment is **VACATED**.

Accordingly, the petition to withdraw the holding of abandonment under 37 CFR 1.181 is hereby **GRANTED**.

The application file is being forwarded to the Office of Data Management of further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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SUITE 3400
CHICAGO IL 60661

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SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
DANDAN LI : DECISION ON APPLICATION
Application No. 11/618,651 : FOR
Filed: 12/29/2006 : PATENT TERM ADJUSTMENT
Attorney Docket No. 18134US02 :

This is in response to the "APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)", filed August 17, 2010, which is properly treated as a petition under 37 CFR 1.705(b). Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred fifty-eight (158) days to one hundred fifty-nine (159) days.

The request reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance is DISMISSED.

Applicants request the removal of the period of reduction under 37 CFR 1.704(b) of 1 day on the ground that the response to the Office action mailed February 25, 2009, was filed timely on Tuesday, May 26, 2009. Applicants assert that the three (3) month shortened statutory period for response to the Office action of February 25, 2009, fell on Memorial Day, Monday, May 25, 2009, and therefore, they had until the next succeeding business day, May 26, 2009, to file a timely response.

Applicants' argument is without merit. Applicants were properly assessed a delay of 1 day for filing a response on May 26, 2009, to the Office action of February 25, 2009. Calculation of

applicants' delay is based on the date of receipt of the response in the Office. 35 U.S.C. 154(b)(2)(C)(ii) does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three (3) month period. Therefore, the "carry-over" provisions of 35 U.S.C. 21(b) does not apply to the three (3) month period in 35 U.S.C. 154(b)(2)(C)(ii). Accordingly, the period of reduction of 1 day will remain.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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SUITE 3400
CHICAGO IL 60661

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DEC 02 2010
OFFICE OF PETITIONS

In re Application of :
Li et al. :
Application No. 11/618,716 : ON APPLICATION FOR
Filed: December 29, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. 18122US02 :

This is in response to the APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705), filed September 30, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand fifty-six (1056) days¹, not six hundred eight (608) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

¹ This calculation is based on a projected issuance date of March 22, 2011.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee².

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

² For example, if an applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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

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MAY 23 2011

OFFICE OF PETITIONS

In re Application of :
Henry Roth et al :
Application No. 11/618,799 : **DECISION ON PETITION**
Filed: December 30, 2006 :
Attorney Docket No. 86375CON2(308092) :

This is a decision on the petition, filed April 22, 2011, 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 Office action of June 30, 2010, which set a three (3) month shortened statutory period for reply. One (1) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before October 30, 2010.

The Applicants states "Applicants are in receipt of the Office Action dated June 30, 2010 of the above-referenced application. A request for a one-month extension of time is submitted herewith." The Applicants inadvertently omitted the \$65 extension of time fee. The Office will accept the inadvertently omitted payment for the one (1) month extension of time fee on October 29, 2010.

As authorized, the one (1) month extension of time fee of \$65 is being charged to petitioner's Deposit Account No. 04-1105.

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 Office action of June 30, 2010 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3784 for appropriate action in the normal course of business on the reply received on October 29, 2010.


Irvin Dingle
Petitions Examiner
Office of Petitions



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JAN 11 2011
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In re Application of :
Behzad et al. : DECISION ON APPLICATION
Application Number: 11/618808 : FOR
Filed: 12/30/2006 : PATENT TERM ADJUSTMENT
Atty. Dkt. No. 18142US02 :

This is a decision on the paper filed on November 2, 2010, which is treated as a petition under 37 CFR 1.705(b).

The application for patent term adjustment is **DISMISSED**.

On August 11, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date was 457 days.

On November 2, 2010, applicants filed, *inter alia*, via the Office Electronic Filing System (EFS), one page, described on the Electronic Acknowledgement Receipt, as a patent term adjustment petition, as well as a \$200.00 fee under Fee Code 1455, which is the fee code for an Application For Patent Term Adjustment. The issue and publication fees were also filed on November 2, 2010.

Upon review, one (1) page containing a copy of the PAIR printout for the subject application was filed on November 2, 2010. Petitioners have not explained what aspect of the patent term adjustment they are disputing. Further, as no argument has been presented in support of the request for reconsideration of the patent term adjustment, the petition is dismissed.

In view thereof, no change will be made in the determination of patent term adjustment at the time of the mailing of the notice of allowance.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

**MAILED
JUN 06 2011
OFFICE OF PETITIONS**

In re Application of :
COOK, William C. :
Application No. 11/619,044 :
Filed: January 02, 2007 :
Attorney Docket No. 051558/309993 :
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 May 27, 2011.

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 William Cook. All attorneys/agents associated with the Customer Number 00826 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor William Cook at the address indicated below. There is an outstanding Office action mailed January 11, 2011 that requires a reply from the 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: **WILLIAM C. COOK
P. O. BOX 305
LINWOOD NC 27299-0305**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/619,145	01/02/2007	Richard J. Atkins	4366-321	7015

48500 7590 10/18/2010
SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER, CO 80202

EXAMINER

JOO, JOSHUA

ART UNIT PAPER NUMBER

2454

MAIL DATE DELIVERY MODE

10/18/2010

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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OCT 15 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Douglas W. Swartz
SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER CO 80202

In re Application of: ATKINS, R., et. al.
Application No. 11/619,145
Filed: January 02, 2007
Docket No. 4366-321
Title: CALENDAR ITEM HIERARCHY FOR
AUTOMATIC SPECIALIZATION

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

This is a decision on the petition filed on September 20, 2010 under 37 CFR § 1.181(a)(3) requesting that the Examiner consider all references listed on the PTO-1449 filed with the Information Disclosure Statements (IDSs) on March 16, 2007.

The petition is **DISMISSED AS MOOT**.

A review of the file of instant application indicates that on September 21, 2010, the Office considered each of the references listed on the PTO-1449 above mentioned and that applicant was informed of such via a PTO-90C communication. Office action mailed June 08, 2009 also provided attachments including considered IDS filed 03/16/07 among others. Since each of those references listed on the above mentioned IDS has been already considered, this petition is rendered moot. Image file wrapper (IFW) is available from Patent Application Information Retrieval (PAIR) system.

Accordingly, the petition is **DISMISSED AS MOOT**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	0	2001/0051045.pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/29 20:20
S2	1	"20010051045".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/29 20:20
S3	1	"20040135920".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/29 20:21
S4	1	"20040223754".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/29 20:21
S5	1	"20050019029".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/29 20:22
S6	1	"3585913".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/29 20:22
S7	1	"4172485".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/29 20:24
S8	0	933668B1	EPO	OR	ON	2009/06/29 20:25
S9	1	"933668"	EPO	OR	ON	2009/06/29 20:26
S10	1	"1494065"	EPO	OR	ON	2009/06/29 20:27
S11	0	"4572633"	EPO	OR	ON	2009/06/29 20:28
S12	3	"4572633"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/29 20:28

S13	27	"4620579"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/29 20:28
S14	12	"4927017"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/29 20:30
S15	13	"5092458"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/29 20:35
S16	2	"6368758".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/30 12:23
S17	1	"60755316"	US-PGPUB; USPAT; JPO	OR	ON	2009/07/13 09:03
S18	1	"60755316"	US-PGPUB; USPAT; DERWENT	OR	ON	2009/07/13 09:05
S19	0	"60755316"	DERWENT	OR	ON	2009/07/13 09:05
S20	0	elastic\$3 with cuffs adj camera	DERWENT	OR	ON	2009/07/13 09:58
S21	0	elastic\$3 with cuffs adj camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 09:58

EAST Search History

S22	0	elastic\$3 with cuffs ADJ camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 09:58
S23	0	elastic\$3 ADJ cuffs ADJ camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 09:58
S24	0	elastic\$1 ADJ cuffs ADJ camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 09:59
S25	0	cuffs ADJ camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 09:59
S26	0	protective with cuffs ADJ camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 09:59
S27	9	protective with covering ADJ camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 09:59
S28	8465	protective with elastic cuff\$2 with cover\$3 ADJ camera	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 10:02
S29	2939393	"6217237" B1	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 10:17
S30	2	"6217237" .pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 10:17

EAST Search History

S31	2	"4572633".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 10:18
S32	5	"272541".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 10:19
S33	1	"D272541".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 10:20
S34	2	"5673826".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 13:00
S35	0	2043938c.pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 13:04
S36	7	"2043938".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/13 13:04
S37	381	206/316	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/07/13 13:14
S38	7	D507875S	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/07/13 13:27

S39	6	D491357	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/07/13 13:29
S40	381	206/316	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/07/13 13:30
S41	22	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!)	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 13:42
S42	0	(camera same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!)) and 383/41,43,67.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 13:51
S43	0	(camera same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!)) and 383/41,43,67.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 13:52
S45	0	camera and ((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 383/41,43,67.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 13:53
S46	6	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 383/41,43,67.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 13:53
S47	3	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 150/154.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 13:56
S48	33	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!)	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 14:02
S49	35	("1535312" | "3036506" | "4033392").PN. OR ("4176701").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 14:09
S50	35	("1535312" | "3036506" | "4033392").PN. OR ("4176701").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 14:26
S51	35	("1535312" | "3036506" | "4033392").PN. OR ("4176701").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:11
S52	0	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 383/41,43,67.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:32
S53	0	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 206/16.1,3,16.2.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:33

S54	0	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 383/41.ccls	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:34
S55	4	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 383/31,67,43.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:35
S56	0	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and "206,16""1,16""2,3,315""9,5,320".ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:36
S57	0	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 206/16.1,16.2.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:37
S58	0	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 206/3.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:37
S59	0	((elastic\$5 or stretch\$4) with (cuffs! or sleeves!)) and 206/316.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:37
S60	1	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 206/316.2	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:38
S61	0	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 206/316.1	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:38
S62	0	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 206/16.1,16.2.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:38
S63	0	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 206/315.9,320.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:38
S64	0	camera same (hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 206/5,3.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:39
S65	4	(hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 206/5,3.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:39
S66	7	(hold\$3 or jacket or bag or cover\$3) same (elastic\$5 or stretch\$4) same (cuffs! or sleeves!) and 206/16.1,16.2,3,315.9,5,320.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/13 15:40

EAST Search History

S67	3	"4176701".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/29 10:30
S68	5	"2420719".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/29 10:33
S69	3	"4176701".pn.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2009/07/29 10:45
S70	35	("1535312" | "3036506" | "4033392").PN. OR ("4176701"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/29 10:46
S71	1	"6305537".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/29 11:00
S72	2	"2420719".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2009/07/29 11:02
S73	49	"2919443"	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/05/05 22:34
S74	49	"2919443"	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/05/11 18:59
S75	0	camera adj sleeve adj elastic adj cuff\$1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/11 19:15
S76	13	sleeve adj elastic adj cuff\$1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/11 19:15

S77	766317	both adj end\$1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/11 19:17
S78	2	S76 and S77	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/11 19:17
S79	5	"6305537"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/11 19:21
S80	15	"4315504"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/11 19:24
S81	18	("20030044556" | "20060085884" | "20060179574" | "20070083248" | "3657741" | "4315504" | "4856112" | "5159727" | "5239717" | "5418980" | "6272688" | "6381786" | "6472590" | "D431693" | "D442765" | "D454198").PN. OR ("D578818").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/05/11 19:28
S82	112	("2420719" | "2537303" | "2751952" | "2919443" | "20010051045" | "20040135920" | "20040223754" | "3585913" | "4136726" | "4172485" | "4176701" | "4315504" | "4557574" | "4572633" | "4620579" | "4927017" | "4982841" | "5092458" | "5172838" | "5199563" | "5305030" | "5320261" | "5625854" | "5692836" | "5743458" | "5816464" | "5882295" | "5956527" | "5971916" | "6012843" | "6079883" | "6085695" | "6217237" | "6278846" | "6554497" | "6571056" | "6637952" | "6941066" | "7293648" | "D272541" | "D325128" | "D459879" | "D460615" | "D460773" | "D465328" | "D465329" | "D467074" | "D468530" | "D473051" | "D474488" | "D477460" |	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/11 19:42

		"D477710" | "D477713" | "D482526" | "D482864" | "D490772" | "D491357" | "D507875").PN.				
S83	17	digital adj camera adj strap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:26
S84	367	changing adj bag	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:28
S85	0	S83 and S84	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:28
S86	0	"206"/\$.ccls	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:28
S87	135875	"206"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:28
S88	0	S83 and S84 and S87	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:29
S89	25597	"383"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:29

S90	0	S83 and S84 and S89	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 10:29
S91	0	"206.316.2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 14:03
S92	510	"206/316.2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 14:03
S93	21	("2136357" | "2323053" | "2565006" | "3276671" | "3731586" | "3813017" | "3835905" | "4549589" | "4917241" | "4923060" | "5101974" | "D276761" | "D381902").PN. OR ("6305537").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/06/21 14:14
S94	84	206/316.3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 14:48
S95	0	digital adj camera adj neck adj strap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 15:15
S96	193263	digital adj camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 15:16

S97	2277	neck adj strap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 15:17
S98	49	S96 and S97	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 15:17
S99	637	206/316.1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 15:38
S100	1	JP02006136636A	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 15:55
S101	915	(224/929,930).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/06/21 16:01
S102	980168	camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 16:01
S103	980168	S102 and S102	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 16:01

S104	105	S101 and S102	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/21 16:01
S105	4	("5064109" | "6305537" | "6568576" | "6899255").PN. OR ("7510076").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/06/21 16:09
S106	113	("2420719" | "2537303" | "2751952" | "2919443" | "20010051045" | "20040135920" | "20040223754" | "3585913" | "4136726" | "4172485" | "4176701" | "4315504" | "4557574" | "4572633" | "4620579" | "4927017" | "4982841" | "5092458" | "5172838" | "5199563" | "5305030" | "5320261" | "5625854" | "5692836" | "5743458" | "5816464" | "5882295" | "5956527" | "5971916" | "6012843" | "6079883" | "6085695" | "6217237" | "6278846" | "6554497" | "6571056" | "6637952" | "6941066" | "7293648" | "D272541" | "D325128" | "D459879" | "D460615" | "D460773" | "D465328" | "D465329" | "D467074" | "D468530" | "D473051" | "D474488" | "D477460" | "D477710" | "D477713" | "D482526" | "D482864" | "D490772" | "D491357" | "D507875").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/22 10:29
S107	0	digital adj camera adj neck adj strap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/22 12:19
S108	4	digital adj camera with neck adj strap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/22 12:19
S109	18	"4649973"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/22 15:31

S110	18	"5172838"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/06/22 15:32
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EAST Search History (Interference)

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12/ 1/ 2010 4:54:25 PM

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**BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR, MI 48104**

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of :
Michael Lambright :
Application No. 11/619,321 : **ON PETITION**
Filed: January 3, 2007 :
Attorney Docket No. 121046-0005 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Restriction Requirement, mailed November 2, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on December 3, 2009. A Notice of Abandonment was mailed May 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election of the species to be examined, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is noted that the petition is signed by applicant and includes an address different from the address of record. Petitioner has appointed a representative to conduct all business before the U.S. Patent and Trademark Office (Office). The Office will not engage in dual correspondence with petitioner and petitioner's representative. Accordingly, petitioner must conduct all future correspondence with this Office through the representative of record. If petitioner no longer wishes to be represented by the representative of record, then a revocation of the power of attorney or patent agent should be submitted. A correspondence address must be included on the correspondence instructing the Office where all future communications are to be mailed. See 37 CFR 1.33(a). A courtesy copy of this decision is being mailed to petitioner at the address noted on the petition; however, all future correspondence will be mailed solely to the correspondence address of record.

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

This matter is being referred to Technology Center 3652 for further examination on the merits.



Carl Friedman
Petitions Examiner
Office of Petitions

cc: MICHAEL LAMBRIGHT
3025 REGENT SQUARE COURT #2
GOSHEN, IN 46526



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**BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104**

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of :
LAMBRIGHT, Michael :
Application No. 11/619,321 :
Filed: January 03, 2007 :
Attorney Docket No. 121046-0005 :

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 December 28, 2010.

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 Christopher Mitchell on behalf of all attorneys of record who are associated with customer No. 35684. All attorneys/agents associated with the Customer Number 35684 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Michael Lambright 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: **MICHAEL LAMBRIGHT
3025 REGENT SQUARE COURT #2
GOSHEN IN 46526**



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MCANDREWS HELD & MALLOY, LTD
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SUITE 3400
CHICAGO IL 60661

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NOV 23 2010

OFFICE OF PETITIONS

In re Application of :
MacInnis et al. :
Application No. 11/619,431 : ON APPLICATION FOR
Filed: 01/03/2007 : PATENT TERM ADJUSTMENT
Atty Docket No. :
17545US02 :

This is in response to the "APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)," filed on September 8, 2010, which is treated as a petition under 37 CFR 1.705(b). Applicants submit that the patent term adjustment to be indicated on the patent should be increased from 731 days to 1030 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue the patent.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office

can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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

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SEP 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,705,613 : DECISION ON REQUEST
Misra et al. : FOR
Issue Date: April 27, 2010 : RECONSIDERATION OF
Application No. 11/619,482 : PATENT TERM ADJUSTMENT
Filed: January 3, 2007 : and
Atty Docket No. 088245-4727 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b)," filed June 7, 2010. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.705(d). Patentee requests that the patent term adjustment be corrected from one hundred and seventy-seven (177) days to two hundred and eighty-nine (289) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred and eighty-nine (289) days is **GRANTED**.

The record supports a conclusion that this patent is not subject to a terminal disclaimer.

Patentee disputes the 120-day reduction pursuant to 37 C.F.R. § 1.704(c)(10), which states that circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in

§ 1.703 to the extent that the periods are not overlapping:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

- (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
- (ii) Four months...

A notice of allowance was mailed on August 7, 2009, and an Information Disclosure Statement (IDS) was filed on August 14, 2009. The Office assigned a 120-day reduction pursuant to 37 C.F.R. § 1.704(c)(10)(ii), as the patent issued 256 days after the filing of the IDS.

Patentee argues that the reduction should have instead been accorded pursuant to 37 C.F.R. § 1.704(c)(10)(i), resulting in a reduction of eight days. Seven days after the filing of the IDS, on August 21, 2009, the Office mailed a Supplemental Notice of Allowability, which expressly indicates that it "is responsive to IDS field (sic) August 14, 2009."

Patentee's argument has been considered, and it has been deemed to be persuasive: a reduction of eight¹ days, and not 120 days, is warranted.

The Office agrees that the applicant delay totals 24 (16 + 8) days.

As such, the patent term adjustment is increased by 289 (253 examination delay plus 114 B delay minus 24 applicant delay minus 54 overlap) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating

¹ 37 C.F.R. § 1.704(c)(10) includes the date on which the "amendment under § 1.312 or other paper" was filed.

that the term of the above-identified patent is extended or adjusted by **two hundred and eighty-nine (289) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,705,613 B2

DATED : April 27, 2010

DRAFT

INVENTOR(S) : Misra et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 177 days

Delete the phrase "by 177 days" and insert – by 289 days--



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ONE BETHANY ROAD BUILDING 4 - SUITE #58
HAZLET, NJ 07730

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JAN 20 2011
OFFICE OF PETITIONS

In re Application of :
Ting Wang, et al. :
Application No. 11/619,499 : **ON PETITION**
Filed: January 3, 2007 :
Attorney Docket No.: NECL-05-044 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 12, 2010, to revive the above-identified application.

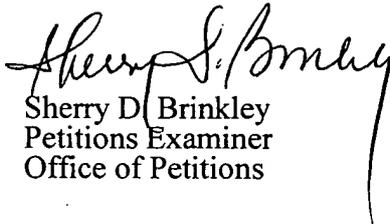
The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed April 26, 2010. A Notice of Abandonment was mailed on November 9, 2010. In response, on November 12, 2010, 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 Request for Continued Examination (RCE) under 37 CFR 1.114 and fee of \$810, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2613 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
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PALO ALTO, CA 94301

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application	:	
Hu et al.	:	DECISION ON PETITION
Application No. 11/619,539	:	TO WITHDRAW
Filed: January 3, 2007	:	FROM RECORD
Attorney Docket No. 4001-0012	:	

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 8, 2011.

The request is **DISMISSED** because it is moot.

A review of the file record indicates that Sheppard, Mullin, Richter & Hampton LLP, was revoked as of record by the applicant on February 8, 2011. 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 of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: DAVIDSON BERQUIST JACKSON & GOWDEY, LLP
ATTN: CLARIA/DR. BRIAN SIRITZKY, ESQ.
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11619539	
Filing Date	03-Jan-2007	
First Named Inventor	Dan Hu	
Art Unit	2169	
Examiner Name	PAUL KIM	
Attorney Docket Number	4001-0012	
Title	System for Database Reporting	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		91944 _____
The reason(s) for this request are those described in 37 CFR:		
10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to:		
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		86636 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Brian Siritzky/	
Name	Brian Siritzky	
Registration Number	37497	



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

Decision Date : December 1, 2011

In re Application of :

Dan Hu

Application No : 11619539

Filed : 03-Jan-2007

Attorney Docket No : 4001-0012

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 1, 2011

The request is **APPROVED**

The request was signed by Brian Siritzky (registration no. 37497) on behalf of all attorneys/agents associated with Customer Number 91944 . All attorneys/agents associated with Customer Number 91944 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 86636 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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PAUL C. MAZZELLA
2399 HWY 36
ATLANTIC HIGHLANDS NJ 07716

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of :
Mazzella :
Application No. 11/619,610 : **ON PETITION**
Filed: January 3, 2007 :
Attorney Docket No. MAZZ.00003 :

This is a decision on the petition under 37 CFR 1.137(a), filed April 27, 2011, 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 restriction/election requirement mailed May 5, 2009, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on June 6, 2009. A Notice of Abandonment was mailed November 18, 2009.

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).

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

¹As 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).

²In 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.

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 Nonawareness of a PTO rule will not constitute unavoidable delay.⁹

³Rydeen 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.")

⁴Commissariat 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).

⁵Haines 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)).

⁶Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (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)).

⁷Id.

⁸See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

⁹See 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 nonawareness 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.

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 previous attorney of record, Steven Leavitt, failed to inform applicant that a response to the restriction/election requirement was due and that Mr. Leavitt failed to keep applicant abreast of the status of the patent application.

With regard to item (3), petitioner argument assumes that only the actions or inactions of Mr. Leavitt need be examined to determine if the delay in responding to the election/restriction requirement was unavoidable. Petitioner's argument is unpersuasive. It is again noted that the unavoidable standard requires that petitioner establish, by evidentiary showing, that all relevant persons acted reasonably and prudently relative to the prosecution of the application and despite their actions the application was unavoidably abandoned. At the time of the abandonment of the application, power of attorney was granted to Steven Leavitt and the petition makes clear that it was Mr. Leavitt's responsibility to file a response to the May 5, 2009, Office action. Accordingly, it is largely Mr. Leavitt's actions or inactions that must be examined relative to whether the delay in responding to the Office action was unavoidable. The paper revoking the power of attorney to Mr. Leavitt was not filed until April 27, 2011. Accordingly, the renewed petition should address the delay of Mr. Leavitt.

It is further noted that the sole inventor usually retains the authority to review the prosecution of the patent application, make filings, and make inquiries into the status of the application, notwithstanding that a power of attorney has been granted in the application. While petitioner maintains that petitioner's delay was unavoidable, petitioner has not established that petitioner took any timely steps to intervene in the application's prosecution when petitioner discovered that something may have been amiss in Mr. Leavitt's prosecution of the application. Even were petitioner's actions or inactions alone to be considered in disposition of the petition, petitioner has not established that petitioner's entire delay—from the due date for the reply to the restriction/election requirement (June 5, 2009) until the filing of a grantable petition—was unavoidable.

Further, it is noted that 37 CFR 1.31 provides that:

[a]n applicant for patent may file and prosecute his or her own case, or he or she may give power of attorney so as to be represented by one or more patent practitioners or joint inventors. The United States Patent and Trademark Office cannot aid in the selection of a patent practitioner.

The above-cited section of the United States Code of Federal Regulations makes clear that the Office in no way endorses any patent practitioner. The list of registered agents provided by the Office should not be interpreted as an endorsement of the practitioners and is only a notification that the named persons have fulfilled the requirements registration with the Office as set forth in 37 CFR 11.6 and 37 CFR 11.7. Applicants are not required to choose any person from this list in order to file and prosecute a patent application. It is, therefore, the responsibility of every

applicant that chooses to use the services of a registered patent agent to use due diligence in making this selection and continuing the services of the registered agent; the USPTO does not make any recommendation in either matter. It is regrettable when services of the freely chosen registered practitioner do not satisfy the applicant. Notwithstanding, said failure is not imputed to the Office and does not relieve petitioner of the burden levied by 37 CFR 1.137(a) of establishing that the entire delay of all relevant parties, including the attorney to whom power of attorney was given, was unavoidable.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1,620.00 for a large entity and \$810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64



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PAUL C. MAZZELLA
2399 HWY 36
ATLANTIC HIGHLANDS NJ 07716

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of
Mazzella
Application No. 11/619,610
Filed: January 3, 2007
Attorney Docket No. MAZZ.00003

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the restriction/election requirement mailed May 5, 2009, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on June 6, 2009. A Notice of Abandonment was mailed November 18, 2009.

The election filed October 7, 2011, is noted.

The application is being forwarded to Technology Center 3600, GAU 3637 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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MAILED

SEP 15 2011

OFFICE OF PETITIONS

CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

In re Patent No. 8,007,854 :
Issued: August 30, 2011 :
Application No. 11/619,659 : NOTICE
Filed: January 4, 2007 :
Attorney Docket No.: UCT0094US3 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 19, 2011.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/619,728	01/04/2007	Timothy James Hahn	AUS920060704US1	8002
35525	7590	07/28/2011	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			HOFFMAN, BRANDON S	
			ART UNIT	PAPER NUMBER
			2433	
			NOTIFICATION DATE	DELIVERY MODE
			07/28/2011	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):

ptonotifs@yeeiplaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

IBM Corp (YA)
C/O Yee & Associates PC
P.O. Box 802333
Dallas TX 75380

In re Application of: Hahn et al.
Application No. 11/619728
Filed: June 12, 2007
For: Secure Audit Log Access for Federation
Compliance

Sua Sponte DECISION TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the request, telephoned in, that the holding of abandonment be withdrawn in the above-identified application. This request is being effectively handled as a petition under 37 C.F.R. §1.181 and M.P.E.P §711.03(c).

This application was held abandoned for failure to respond in a timely and effective manner to the Office action mailed June 16, 2010. A Notice of Abandonment was mailed March 10, 2011.

A review of the file record indicates that the original response has been associated with the file and was received on September 17, 2010. The response was a filing of a request for continued prosecution which included a proper submission, a proper fee and was submitted within 3 months from the final rejection.

Therefore, the record is clear that the application was *not abandoned in fact* and a Notice of Abandonment should not have been issued. The office regrets any inconvenience caused by the mailing of the Notice of Abandonment.

The petition is **GRANTED**. The Notice of Abandonment is withdrawn. The application is being forwarded to the examiner to consider the September 17 response to the June office action..

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147

Tod R Swann, WQAS 2430
Technology Center 2400

Application SN 12/895666
Decision on Petition

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-36128

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Tod Swann/
Tod Swann
Quality Assurance Specialist
Technology Center 2400



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
John Fry
Application No. 11/619,829
Filed: January 4, 2007
Attorney Docket No. 3421U.001

**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 January 31, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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2855 PGA BLVD
PALM BEACH GARDENS FL 33410

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :

John Fry :

Application No. 11/619,829 :

Filed: January 4, 2007 :

Attorney Docket No. 3421U.001 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 15, 2011.

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 William A. Cuchlinski, on behalf of all attorneys/agents associated with customer number 21917. All attorneys/agents associated with customer number 21917 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ron Fontenot, President and CEO
National Allergy Supply, Inc.
1620 Satellite Blvd., Ste. D
Duluth, GA 30097



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
11/619,829	01/04/2007	John Fry	3421U.001

21917
MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS, FL 33410

CONFIRMATION NO. 8174
POWER OF ATTORNEY NOTICE



Date Mailed: 05/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/15/2011.

- 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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Decision Date April 12, 2012

In re Application of Paul Eftis

Application No. 11619901

Filed: 04-Jan-2007

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 367417-001D1

This is an electronic decision on the petition under 37 CFR 1.137(b), April 12, 2012, 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 outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. 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 the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
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Application Number	11619901
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Filing Date	04-Jan-2007
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First Named Inventor	Paul Eftis
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Attorney Docket Number	367417-001D1
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Title	SYSTEM AND METHOD FOR MAINTAINING PRESENCE AND COMMUNICATING OVER A CO
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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

Petition Fee

Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

Applicant(s) status remains as SMALL ENTITY.

Applicant(s) status remains as other than SMALL ENTITY.

2. Reply and/or fee

I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on

Amendment and response are attached

RCE request, submission, and fee.

I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on

RCE Request, Submission, and Fee are attached

Notice of Appeal

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

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.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Joseph E Chovanes/
Name	Joseph E Chovanes
Registration Number	33481

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 4, 2010

TO SPE OF : ART UNIT 2167

SUBJECT : Request for Certificate of Correction for Appl. No/11619911 pt.7730064

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Magdalene Talley

**Certificates of Correction Branch
571-272-0423**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____



**JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100 2167**

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20101214

DATE : December 13, 2010

TO SPE OF : ART UNIT 2169

SUBJECT : Request for Certificate of Correction for Appl. No.: 11619942 Patent No.: 7809746

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580**

**Certificates of Correction Branch
703-756-1573**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____



SPE

2169
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : February 16, 2010

Paper no. 03232012

TO SPE OF : ART UNIT 1712

SUBJECT : Request for Certificate of Correction for Appl. No 11/620004 Patent no. 7548604

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Magdalene Talley

**Certificates of Correction Branch
571-272-0423**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

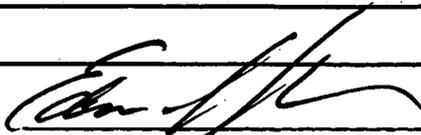
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____



2882



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

**RAMBUS INC.
C/O ANN WILLIAMS
4440 EL CAMINO REAL
LOS ALTOS CA 94022**

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
STUTTARD, Dave et al. :
Application No. 11/620,014 : **NOTICE UNDER 37 CFR. 1.28(c)**
Patent No. 7,526,630 :
Filed: January 04, 2007 :
Attorney Docket No. **HASE0008** :

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2-23-11 Paper No.: _____
TO SPE OF : ART UNIT 2858
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/026017 Patent No.: 7692411
CofC mailroom date: 2-18-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Check Claims

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

ENNIS YOUNG

**Certificates of Correction Branch
703-756-1814 _____**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: See Supplemental Request for Certificate of Correction
submitted on 05/05/2011 to replace the previous text submitted
on 02/16/2011 to correct typographical error.

/Patrick Assouad/

2858

SPE

Art Unit

APPROVED: /Y.F./

Patent 7,692,411

PATENT APPLICATION

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,692,411

Docket No: 30108-1059-UT

Issue Date: April 6, 2010

Patentee: John T. Trainor, et al.

Title System for Energy Harvesting and/or Generation, Storage, and Delivery

SUPPLEMENTAL REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Office of Patent Publication
ATTN: Certificate of Correction Branch

On February 16, 2011, Applicants submitted a Request for Certificate of Correction and text of the Certificate in the suggested form.

Applicants have found a typographical error in the text of the Certificate as submitted on February 16, 2011. Therefore, Applicants are submitting this Supplemental Request with replacement text of the Certificate in the suggested form. Please disregard the previous text submitted on February 16, 2011.

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent according to the enclosed replacement text.

Pursuant to 1.20(a), credit card authorization in the amount of \$100.00 for the Certificate of Correction fee was included with the filing of February 16, 2011.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims as properly allowed, and re-examination is not required.

The Examiner is authorized to charge any additional fees or credit overpayment to Deposit Account No. **13-4213**.

Please direct all correspondence to:

Philip D. Askenazy
PEACOCK MYERS, P.C.
P.O. Box 26927
Albuquerque, New Mexico 87125-6927

APPROVED: /Y.F./

Respectfully submitted,

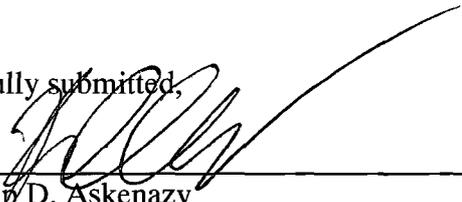
Date May 5, 2011

PEACOCK MYERS, P.C.

P.O. Box 26927

Albuquerque, New Mexico 87125-6927

By


Philip D. Askenazy

Reg. No.: 56,721

CERTIFICATE OF ELECTRONIC FILING: I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office as an electronic filing via Patent Electronic Filing System (EFS) addressed to: Commissioner for Patents on May 5, 2011.

Name: Diane S. Nelson, Paralegal

Signature: 

APPROVED: /Y.F./

PTO/SB/44 (09-07)

Approved for use through 08/31/2013. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 2

PATENT NO. : 7,692,411

APPLICATION NO.: 11/620,017

ISSUE DATE : April 6, 2010

INVENTOR(S) : John T. Trainor, Patrick Franz Fleig, Charles D.E. Lakeman, Jenniffer Leigh DeGreeff

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 4, line 42, delete "droop" and substitute --drop--

Column 10, line 7, delete "Ω" and substitute --μ--

Column 10, line 43, delete "supercapacitors" and substitute --switching capacitors--

Column 12, lines 55 to 67, Column 13, lines 1 to 35, and Column 14, lines 1-34, cancel the entire text of the claims and substitute

- 1. A method for delivering power to a load, the method comprising the steps of collecting charge from an energy source; boosting a voltage of the collected charge with a charge pump; switching at least two capacitors in the charge pump from being in parallel to being in series; controllably charging a supercapacitor to a threshold voltage; controllably charging a battery from the supercapacitor; and delivering power from the supercapacitor to a load; wherein the step of controllably charging the supercapacitor comprises adjusting a rate of the switching step based on a parameter selected from the group consisting of a charging rate of the supercapacitor and a power level of the energy source.
2. The method of claim 1 wherein the voltage of the collected charge is less than half of the threshold voltage.
 3. The method of claim 2 wherein the voltage of the collected charge is approximately one fourth of the threshold voltage.
 4. The method of claim 1 wherein the threshold voltage is programmable.
 5. The method of claim 1 further comprising the step of switching a second supercapacitor from being in parallel with the supercapacitor to being in series with the supercapacitor.
 6. The method of claim 5 wherein the switching step comprises delivering power at a delivery voltage higher than the threshold voltage to the load or to charge the battery.
 7. The method of claim 6 wherein the delivery voltage is approximately twice the threshold voltage.
 8. The method of claim 1 further comprising the step of conditioning charge pump gate voltages.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

PEACOCK MYERS, P.C.
P.O. Box 26927
Albuquerque, New Mexico 87125-6927

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 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: **Attention Certificate of Corrections Branch, 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.

APPROVED: /Y.F./

PTO/SB/44 (09-07)

Approved for use through 08/31/2013. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 2 of 2

PATENT NO. : 7,692,411

APPLICATION NO.: 11/620,017

ISSUE DATE : April 6, 2010

INVENTOR(S) : John T. Trainor, Patrick Franz Fleig, Charles D.E. Lakeman, Jenniffer Leigh DeGreeff

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

CONTINUED FROM PAGE 1, CLAIM 8:

9. The method of claim 8 wherein the conditioning step comprises saturating one or more FET's in the charge pump.
10. The method of claim 1 further comprising the step of recharging the supercapacitor from the charge pump when power from the energy source is available.
11. The method of claim 1 further comprising the step of recharging the supercapacitor from the battery when power from the energy source is unavailable.
12. An apparatus for delivering power to a load, the apparatus comprising: at least one energy source; a charge pump for boosting a voltage of charge collected from said energy source; a control module; a battery; and one or more supercapacitors for charging said battery and delivering power to a load; wherein said control module controls charging of said supercapacitors to a threshold voltage by said charge pump; and the control module adjusts a rate of switching capacitors in the charge pump based on a parameter selected from the group consisting of a charging rate of the supercapacitors and the power level of the energy source.
13. The apparatus of claim 12 wherein the voltage of the collected charge is less than half of the threshold voltage.
14. The apparatus of claim 13 wherein the voltage of the collected charge is approximately one fourth of the threshold voltage.
15. The apparatus of claim 12 wherein the control module is programmable.
16. The apparatus of claim 12 wherein said supercapacitors are switched to being arranged in series for delivering power at a delivery voltage higher than the threshold voltage to said load or to charge said battery.
17. The apparatus of claim 16 wherein the delivery voltage is approximately twice the threshold voltage.
18. The apparatus of claim 12 further comprising a FET gate conditioner circuit for saturating one or more FET's in said charge pump.
19. The apparatus of claim 12 wherein said supercapacitors are recharged from said charge pump when power from said energy source is available.
20. The apparatus of claim 12 wherein said supercapacitors are recharged from said battery when power from said energy source is unavailable.--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

PEACOCK MYERS, P.C.

P.O. Box 26927

Albuquerque, New Mexico 87125-6927

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 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: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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**

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of :
Mohammad J. Borran et al. :
Application No. 11/620,033 : **DECISION ON PETITION**
Filed: January 4, 2007 :
Attorney Docket No. 060323 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 13, 2010. Accordingly, the date of abandonment of this application is March 15, 2011. A Notice of Abandonment was mailed on March 30, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
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

MAILED

SEP 02 2011

OFFICE OF PETITIONS

In re Patent No. 7,966,033 :
Borran et al. : DECISION ON
Application No. 11/620033 : REQUEST FOR
Issue Date: 06/21/2011 : RECONSIDERATION OF
Filing or 371(c) Date: 01/04/2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. : UNDER 37 CFR 1.705
060323 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d), filed on August 11, 2011. Patentee requests that the determination of patent term adjustment be corrected from 738 days to 763 days.

The request for reconsideration of patent term adjustment is **GRANTED to the EXTENT INDICATED.**

On June 21, 2011, the above-identified application matured into U.S. Patent No. 7,966,033. The patent issued with a PTA of 738 days. The present request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent.

Patentee contests the reduction of 66 days in connection with the abandonment and revival of the application, and the reduction of 27 days in connection with the payment of the issue fee.

Patentee provides that the period of reduction of 66 days in connection with the abandonment and revival of the application pursuant to 37 CFR 1.704(c)(3), is calculated beginning on the day after the date that the issue fee was due, March 14, 2011, and ending on the date of mailing of the decision reviving the application, May 20, 2011, for a total of 67 days, not 66 days.

Further to this, Patentee provides that the period of reduction of 27 days in connection with the late payment of the issue fee should have been calculated for the period of March 13, 2011, to April 22, 2011, or 40 days, however, 39 of these days overlap with the period of adjustment in connection with the abandonment and revival of the application, and the non-overlapping period in connection with the late payment of the issue fee is one (1) day.

As such, Patentee provides that the period of adjustment in connection with the abandonment of the application for late payment of the issue fee, and revival of the application, including submission of the issue fee, is 68 days, and not 93 days (66 days + 27 days)..

Patentees' arguments have been carefully considered. A review of the record confirms that a Notice of Allowance and issue Fee Due was mailed on December 13, 2010. The application became abandoned on March 14, 2011, the day after the date that the issue fee was due. Petitioner filed a petition to revive the application and the issue fee on April 22, 2011. Pursuant to 37 CFR 1.704(c)(3), the period of reduction in connection with the abandonment and revival of the application is calculated beginning on the day after the date that the issue fee was due, March 14, 2011, and ending on the date of mailing of the decision reviving the application, May 20, 2011, for a total of 68 days, not 66 (or 67) days.

The period of reduction in connection with the late payment of the issue fee beginning on the day after the date the issue fee was due (which is the same day as the date of abandonment), March 14, 2011, and ending on the date of accepting late payment of the issue fee, or April 22, 2011, is 40 days. However, this period overlaps with the period of reduction in connection with the abandonment and revival of the application for the entire period, beginning March 14, 2011, and ending on April 22, 2011, or 40 days.

In view thereof, it is concluded that the patent should have issued with a revised Patent Term Adjustment of seven hundred sixty-four (763) days (891 days of Office delay reduced by 128 days of applicant delay).

Receipt is acknowledged of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by seven hundred sixty-four (763) days.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,966,033 B2

DATED : June 21, 2011

INVENTOR(S) : Borran et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 738 days.

Delete the phrase "by 738 days" and insert – by 763 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 22, 2010

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/620094 No.: 7782540

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Magdalene Talley

Certificates of Correction Branch
(571)272-0XXX

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE

Art Unit



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

MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Patent of Behan et al.	:	DECISION ON REQUEST
Patent No. 7,547,523	:	FOR RECONSIDERATION OF
Issue Date: June 16, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/620,337	:	AND NOTICE OF INTENT TO
Filing Date: January 5, 2007	:	ISSUE CERTIFICATE OF
Attorney Docket No. CN01069BQ1US	:	CORRECTION

This is a decision responding to the request for reconsideration under 37 C.F.R. § 1.705(b) filed November 13, 2009, which asserts the initial determination patent term be corrected from six (6) days to twenty-eight (28) days. The Office regrets the delay in the issuance of the instant decision.

The application for patent term adjustment is **granted**.

On or before February 27, 2009, the Office entered:

1. A 28-day increase in patent term adjustment under 37 C.F.R. § 1.703(a), and
2. A 22-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c) based on a terminal disclaimer filed November 18, 2008.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) on February 27, 2009, advising Patentees of a patent term adjustment to date of 6 days.

A petition under 37 C.F.R. § 1.705(b) was filed April 22, 2009, alleging the correct initial patent term adjustment is 28 days.

On or before April 27, 2009, the Office:

1. Removed the 22-day reduction in patent term adjustment based on the terminal disclaimer, and
2. Entered a 93-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c) based on a request for continued examination ("RCE") filed February 23, 2009.

The Office mailed a second Determination of Patent Term Adjustment under 35 U.S.C. 154(b) on April 27, 2009, advising Patentees of a patent term adjustment to date of 0 days.

The issue fee was paid May 7, 2009.

The application issued as a patent on June 16, 2009. The patent sets forth a patent term adjustment of 0 days.

The Office mailed a decision dismissing the petition under 37 C.F.R. § 1.705(b) on September 18, 2009. The decision stated the merits of the petition would not be considered because the required fee of \$200 had not been submitted.

The instant request for reconsideration and the required \$200 fee were filed November 13, 2009.

The request for reconsideration is accompanied by a copy of the original petition, which argues the correct initial patent term adjustment is 28 days.

A review of the record indicates the facts surrounding the submission of the terminal disclaimer and RCE do not warrant any reduction in patent term adjustment. Therefore, the proper patent term adjustment is 28 days, which is 28 days of delay under 37 C.F.R. § 1.703(a) reduced by 0 days of delay under 37 C.F.R. § 1.704.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **twenty-eight (28)** days.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,547,523 B2
APPLICATION NO. : 11/620,337
DATED : June 16, 2009
INVENTOR(S) : Jiang X. Behan et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

Delete the phrase "by 0 days" and insert -- by 28 days--



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

CONLEY ROSE, P.C.
DAVID A. ROSE
P. O. BOX 3267
HOUSTON, TX 77253-3267

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Hesham Morsi :
Application No. 11/620,387 :
Filed: January 5, 2007 :
Attorney Docket No. 1373-04100 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Restriction Requirement, mailed June 3, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on July 4, 2009. A Notice of Abandonment was mailed December 17, 2009.

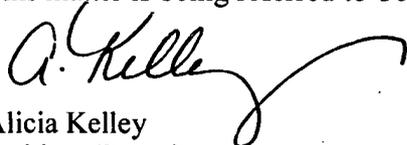
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election of the invention to be examined, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

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) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition 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 the undersigned at (571) 272-6059.

This matter is being referred to Technology Center 3731 for further examination on the merits.

A handwritten signature in black ink, appearing to read "A. Kelley", with a long, sweeping flourish extending to the right.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: DAVID MCEWING
P O BOX 70410
HOUSTON, TX 77270

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5-18-10

Paper No.: _____

TO SPE OF : ART UNIT 3679

SUBJECT : Request for Certificate of Correction for Appl. No. 11/620,392 Patent No. 7644909

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: check files.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ennis Young LYE
Randolph Sq. Ste 9D62A
703-756-1542

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

All changes are approved.

SPE /Daniel P. Stodola/

ART UNIT 3679

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/18/11

TO SPE OF : ART UNIT: **1746 Attn: WYROZEBSKI LEE KATARZYNA I (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/620397 Patent No.: 7943003

CofC mailroom date: 07/08/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Please check Specifications & Claims

Tasneem Siddiqui

Certificates of Correction Branch

703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

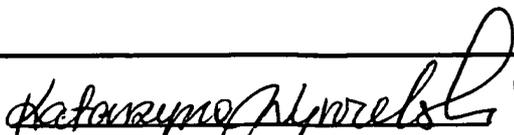
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: Approved.

 1746

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit



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

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

MAILED
FEB 08 2011
OFFICE OF PETITIONS

In re Application of :
Weiss et al. :
Application No. 11/620,557 : **ON PETITION**
Filed: 01/05/2007 :
Attorney Docket No. 13768.807 :

This is in response to the petition under 37 CFR 1.182, filed October 20, 2010.

On January 5, 2007, applicants submitted an executed declaration identifying the second named inventor as the single name "Duncan." On October 12, 2010, the Office mailed a Notice to File Corrected Application Papers, which set a non-extendable one-month period to provide at least one given name without abbreviation for inventor Duncan pursuant to 37 CFR 1.63(a)(2).

On petition, patent practitioner, Rick D. Nydegger, states:

However, for the present patent application, the full and complete legal name of one of the listed inventors at the time of the invention was (the single name of) "Duncan". As such, the full name of this inventor does not include a family name and at least one given name. Accordingly, Applicants' representative respectfully requests that the requirements of 37 CFR 1.63(a)(2) be waived for this inventor.

Petition, p. 1.

In this instance, the declaration identifying the second named inventor as "Duncan" is acceptable because that is the inventor's full given name. Accordingly, the petition is granted.

The Office notes that applicants need only file a statement that Duncan is the inventor's name to overcome the objection under 37 CFR 1.63(a)(2). See MPEP 605.04(b). Therefore, the \$400.00 petition fee is necessary and will be refunded in due course.

Any questions concerning this matter may be directed to undersigned at (571) 272-3211.

This matter is being referred to the Office of Data Management for issuance of the patent.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
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VOLCANO AT ROSENBAUM & SILVERT, P.C.
1480 TECHNY ROAD
NORTHBROOK IL 60062

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of
Marc D. Feldman et al.
Application No. 11/620,562
Filed: January 5, 2007
Attorney Docket No. 6100-051

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed February 3, 2012 which is treated under 37 CFR 1.181.

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

A Notice of Allowance was mailed October 14, 2011. Payment of the issue fee was due not later than January 17, 2012. The application became abandoned January 18, 2012 for failure to timely pay the issue fee. Accordingly, a Notice of Abandonment was mailed January 30, 2012.

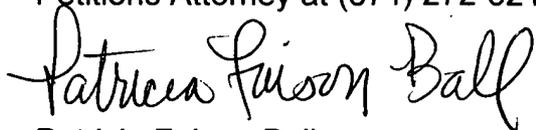
Petitioners argue that on January 17, 2012, the Issue Fee was paid although with an incorrect application number and thus the application became abandoned. Notwithstanding, petitioners argue that while the incorrect application number was included, other identifiers were present. Submitted as proof is a copy of the Issue Fee Transmittal and a postcard receipt date stamped on January 17, 2012 by the USPTO.

While the requirement for filing papers with the USPTO is that every paper bear an appropriate application no. or identifier, petitioner is correct that other identifiable information was found to be on the papers filed as the response. As such, the papers were not previously matched with the correct application and thus it appeared that the response was not timely.

A review of the file reveals that the response filed January 17, 2012 was filed in the wrong application file. However, the evidence submitted corroborates a timely submission of the Issue Fee. Accordingly, the Notice of Abandonment mailed January 30, 2012 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to the Publishing Division to be processed into a Patent.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

MAILED
SEP 16 2011
OFFICE OF PETITIONS

In re Patent No. 7,982,733 :
Wang et al. : DECISION ON REQUEST FOR
Issue Date: July 19, 2011 : RECONSIDERATION OF
Application No. 11/620,621 : PATENT TERM ADJUSTMENT
Filed: January 5, 2007 : AND NOTICE OF INTENT
Attorney Docket No. 061169 : TO ISSUE CERTIFICATE OF
Title: RENDERING 3D VIDEO : CORRECTION
IMAGES ON A STEREO-ENABLED :
DISPLAY :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed on September 12, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred twenty (1,224) days. Patentees dispute the 36-day reduction.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED** to the extent indicated.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 17-0026. No additional fees are required.

Patentees dispute the 36 day reduction taken for the submission of the information disclosure statements submitted on June 14, 2011 after the mailing of the Notice of Allowance. Patentees maintain a 7 day reduction, instead of a 36 day reduction is required.

Patentees' argument has been considered and determined to be convincing.

37 CFR 1.704(c) provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

37 CFR 1.704 (c)(10) provides:

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

A review of the record confirms that the IDS did not contain a statement in accordance with 37 CFR 1.704(d). The submission of the IDS after the mailing of the Notice of Allowance warrants a reduction of seven (7) days for the submission of the IDS on June 14, 2011. The reduction is calculated beginning June 14, 2011 and ending on June 20, 2011, the date the supplemental notice of allowance was mailed.

Patentees' delay total 7 days.

In view thereof, the patent is entitled to an overall adjustment of 1,224 days (770 under 37 CFR 1.702(a) + 560 days under 37 CFR 1.702(b) - 99 days of overlap - 7 days of applicant delay).

The application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred twenty-four (1,224) days**.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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



Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,982,733 B2

DATED : July 19, 2011

DRAFT

INVENTOR(S) : Wang et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1195 days

Delete the phrase "by 1195 days" and insert – by 1224 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DANE C. BUTZER
10 VIA RICASOL #a222
IRVINE, CA 92612

MAILED

MAR 05 2012

OFFICE OF PETITIONS

In re Application of
Paul Michael Blanks
Application No. 11/620,693
Filed: January 7, 2007
Attorney Docket No. PMB-002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 2, 2012.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Dane C. Butzer does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. 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 undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PAUL M. BLANKS
8761 ROBERTS ROAD
GALLOWAY, OH 43119



DONALD J. POCHOPIEN
6601 RFD
LONG GROVE IL 60047

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
WALKER, Brian R.	:	
Application No. 11/620,695	:	DECISION ON PETITION
Filed: January 07, 2007	:	TO WITHDRAW
Attorney Docket No.	:	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 March 11, 2011.

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 indication that acts (1) thru (3) noted in the above-identified certifications have been performed. 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



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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DONALD J. POCHOPIEN
6601 RFD
LONG GROVE IL 60047

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :

Brian R. Walker :

Application No. 11/620,695 :

Filed: January 07, 2007 :

Attorney Docket No. :

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 June 06, 2011.

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 no address was provided for the first name inventor or the assignee. If an assignee intervenes in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions



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DONALD J. POCHOPIEN
6601 RFD
LONG GROVE, IL 60047

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of
Brian Robert Walker
Application No. 11/620,695
Filed: January 7, 2007
Attorney Docket No. N/A

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed July 26, 2011.

The request is **APPROVED**.

The request was signed by Donald J. Pochopien, the sole attorney of record. Therefore, Donald J. Pochopien has been withdrawn.

Applicant is reminded that there is no attorney/agent of record at this time.

There is an Office action mailed April 7, 2011, that requires a reply from the applicant.

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 the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Brian Walker
414 Sandy Lane
Des Plaines, IL 60016



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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In re Patent No. 7235444 :
Issue Date: June 26,2007 :
Application No. 11620724 :DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
Filed: January 7,2007 :
Attorney Docket No. 18401-US-PA-1 :

This is a decision on the electronic petition, filed April 9,2012 ,under 37 CFR 1.378(c)
to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 9,2012 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and
this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print
and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,235,444	2007-06-26	11/620,724	2007-01-07	LKSP0165USA

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | | |
|----------------------------------|-----------|--------|
| | Fee | Code |
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | | |
|-----------------------|-----------|--------|
| | Fee | Code |
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- An attorney or agent registered to practice before the Patent and Trademark Office
- A sole patentee
- A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- A joint patentee; all of whom are signing this e-petition
- The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature

Signature	/Winston Hsu/	Date (YYYY-MM-DD)	2012-04-09
Name	Winston Hsu	Registration Number	41526

This collection of information is required by 37 CFR 1.378(c). 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 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. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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



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

TIPS GROUP
c/o Intellevate, LLC
P. O. BOX 52050
Minneapolis, MN 55402

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of :
Ayyappan Sankaran, et. al. :
Application No. 11/620,732 :
Filed: January 8, 2007 :
Attorney Docket No. YUMEP003.US01 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2010, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed March 1, 2010.

Petitioner should note that prosecution in the above application is not closed and since no claims have been twice rejected, the Notice of Appeal filed July 1, 2010 and the Request for Continued Examination (RCE) filed on November 5, 2010, is considered improper and fees in the amount of \$650 have been refunded to petitioner.

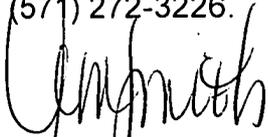
Since the RCE is improper, the amendment filed on November 5, 2010, will be considered as the response to the non-final Office action mailed March 1, 2010.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

It is noted that the correspondence address of record differs from the address given in the present petition. Thus, a courtesy copy of this decision is being mailed to the address given in the petition; thereafter, all future communications from the Office will be mailed solely to the address of record until otherwise instructed.

This application file is being referred to Technology Center Art Unit 2176 for review of the amendment filed on November 5, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

cc: Paul L. Hickman
1000 Elwell Court, Suite 150
Palo Alto, CA 94303



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MICHAEL N. LAU
LAU & ASSOCIATES, LLC
2121 EISENHOWER AVENUE
SUITE 200
ALEXANDRIA, VA 22314

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of :
Ayyappan Sankaran, et al. :
Application No. 11/620,733 :
Filed: January 8, 2007 :
Attorney Docket No. XIN-155-A :

ON PETITION

This is a decision on the petition, filed November 23, 2010, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

A review of the record discloses that the application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 29, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 30, 2010. It is noted that an Advisory Action was mailed on June 1, 2010, followed by a Notice of Abandonment on November 22, 2010. On November 23, 2010, the present petition was filed. Petitioner argues that the abandonment resulted in error since "the Undersigned Attorney filed a 40 page Communication Under Rule 116 on May 21, 2010." Further, petitioner notes that after several teleconferences with the examiner, the examiner indicated that "the Final office action would be withdrawn and prosecution would be reopened, among other contemporaneous communications."

Petitioner's argument is not well taken. It is initially pointed out that while the Office concedes that the response of May 21, 2010 was timely, petitioner was advised by the Advisory Action of June 1, 2010 that the response failed to place the application in condition for allowance. Since an appropriate reply was not filed by June 29, 2010 or by the maximum extendable period of September 29, 2010, the application became abandoned by operation of law on June 30, 2010.

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-Web¹

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

This application is being referred to Technology Center AU 2154 for further prosecution.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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INTELLECTUAL PROPERTY DEPT.
DEWITT ROSS & STEVENS SC
2 EAST MIFFLIN STREET
SUITE 600
MADISON, WI 53703-2865

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Patent No. 7,427,149 :
Issue Date: September 23, 2008 :
Application No. 11/620,845 : NOTICE
Filed: January 8, 2007 :
Attorney Docket No. 32585002 :

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.

Alicia Kelley
Petitions Examiner
Office of Petitions

-1-

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/28/11

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction for Appl. No.: 11620987 Patent No.: 7416605

CofC mailroom date: 07/19/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580**

You can fax the Director's SPE response to 571-273-3421

Note: 2 pages

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

-2-

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Michael KORNAROV

1714

[Handwritten Signature]

1714

SPE

07/28/2011

Art Unit



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Paper No.

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

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
Geoffrey Rhoads :
Application No. 11/620,993 : ON APPLICATION FOR
Filed: January 8, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. 098888-1956 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)" filed April 28, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is nine hundred sixty-nine (969) days, not six hundred nine (609) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Application No. 11/620,993

Page 3

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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

8/9/2010

Patent No. :7695563
Inventor(s) :Lu et al.
Issued :4/13/2010
Title :PULSED DEPOSITION PROCESS FOR TUNGSTEN NUCLEATION
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that item [56] is printed in accordance with the record please show evidence of supporting documentation. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

PATTERSON & SHERIDAN
3040 POST OAK BLVD STE 1500
HOUSTON, TX 77056-6582

HR



UNITED STATES PATENT AND TRADEMARK OFFICE

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Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe CA 92067

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Application of :
Morteza Gharib et al. :
Application No. 11/621,065 : DECISION ON PETITION
Filed: January 8, 2007 :
Attorney Docket No. CIT-4549-965 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 1, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2009. A Notice of Abandonment was mailed on October 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3762 for appropriate action by the Examiner in the normal course of business on the reply received July 23, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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MAILED

OCT 13 2010

OFFICE OF PETITIONS

**Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe CA 92067**

In re Application of :
Derek Rinderknecht et al.. :
Application No. 11/621,065 : **ON PETITION**
Filed: January 8, 2007 :
Attorney Docket No. CIT-4549-965 :

This is a decision on the petition under 37 CFR 1.182, filed July 23, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

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

1. Derek Rinderknecht
2. Morteza Gharib
3. Laurence Loumes
4. Arian Soroush Forouhar
5. Anna Hickerson

A petition under 37 CFR 1.182 requires a fee of \$400. This fee will be charged to deposit account no. 50-4376 as authorized.

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

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

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/621,065, 01/08/2007, 3762, 1065, CIT-4549-965, 35, 5

CONFIRMATION NO. 1480

CORRECTED FILING RECEIPT

74162
Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe, CA 92067



Date Mailed: 10/07/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. 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)

Derek Rinderknecht, Arcadia, CA;
Morteza Gharib, San Marino, CA;
Laurence Loumes, Marseille, FRANCE;
Arian Soroush Forouhar, Pasadena, CA;
Anna Hickerson, Altadena, CA;

Power of Attorney:

Scott Harris--32030

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/756,704 01/06/2006

Foreign Applications

If Required, Foreign Filing License Granted: 02/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/621,065

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Resonant Multilayered Impedance Pump

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-234

MAILED

AUG 02 2010

In re Application of	:	OFFICE OF PETITIONS
Clarke et al.	:	
Application No. 11/621,066	:	ON PETITION
Filed: January 8, 2007	:	
Attorney Docket No. TALY127837	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 28, 2010, 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 Issue Fee Transmittal with payment of the issue and publication fees (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
-----------------------------	--

Application Number	11621100
Filing Date	08-Jan-2007
First Named Inventor	Ronald Sundholm
Attorney Docket Number	RLS-001
Title	Method Of Macking A Recycled Glass Panel

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

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

2. Reply and/or fee

- I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- Amendment and response are attached

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- RCE Request, Submission, and Fee are attached

Notice of Appeal

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

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.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Jeff Woller/
Name	Jeff Woller
Registration Number	48041



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Decision Date April 15, 2012
In re Application of Ronald Sundholm
Application No. 11621100
Filed: 08-Jan-2007

Attorney Docket No. RLS-001

DECISION ON PETITION
UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 15, 2012, 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 outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. 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 the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

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

Decision Date : October 6,2011

In re Application of :

Hai Trieu

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11621173

Filed : 09-Jan-2007

Attorney Docket No : P24520.01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 6,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3775 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11621173
Filing Date	09-Jan-2007
First Named Inventor	Hai Trieu
Art Unit	3775
Examiner Name	ANDREW YANG
Attorney Docket Number	P24520.01
Title	METHODS FOR TREATING AN ANNULUS DEFECT OF AN INTERVERTEBRAL DISC

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/LEOGLENNA/
Name	Leo G. Lenna
Registration Number	42796



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

**PORTER WRIGHT MORRIS & ARTHUR, LLP
INTELLECTUAL PROPERTY GROUP
41 SOUTH HIGH STREET
28TH FLOOR
COLUMBUS OH 43215**

MAILED

FEB 14 2011

In re Application of : **OFFICE OF PETITIONS**
PERKOWSKI, et al :
Application No. 11/621,240 : **DECISION ON PETITION**
Filed: January 9, 2007 :
Attorney Docket No. 4002136-154368 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed July 30, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). The application became abandoned on August 31, 2009. *See* MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of clarification of the claims as required by the Notification of Non-Compliant Appeal Brief, (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center 3635 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
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

IBM CORPORATION- AUSTIN (JVL)
C/O VAN LEEUWEN & VAN LEEUWEN
PO BOX 90609
AUSTIN TX 78709-0609

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of :
Sanjay Gupta et al. :
Application No. 11/621,335 : DECISION ON PETITION
Filed: January 09, 2007 :
Attorney Docket No. AUS920060335US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

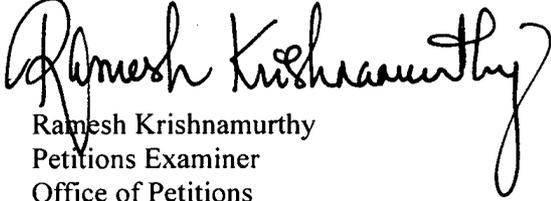
The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 19, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is April 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of January 19, 2010 is accepted as having been unintentionally delayed.

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 decision is being mailed to the address on the petition. However, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 2123 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink that reads "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, looping initial 'R'.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **LESLIE A. VAN LEEUWEN**
6123 PEBBLE GARDEN CT.
AUSTIN TX 78739



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.
11/621,387	01/09/2007	Charles LeRoy SOBCHAK	WM41299ZC	1038
55204	7590	03/29/2011	EXAMINER	
FLEIT, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. 551 N.W. 77TH STREET SUITE 111 BOCA RATON, FL 33487			STEVENS, BRIAN J	
			ART UNIT	PAPER NUMBER
			2611	
			NOTIFICATION DATE	DELIVERY MODE
			03/29/2011	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):

ptoboca@fggbb.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110323A

DATE : March 23, 2011

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.: 7,782,991

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

/David C. Payne/
Supervisory Patent Examiner, Art Unit 2611



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/621,468 01/09/2007 Charles J. Kuehmann 04019.00086 1185

7590 05/11/2011
BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

EXAMINER

WYSZOMIERSKI, GEORGE P

ART UNIT PAPER NUMBER

1733

MAIL DATE DELIVERY MODE

05/11/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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

May 11, 2011

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

In re Application of	:	
Kuehmann, Charles J. et al	:	DECISION ON PETITION
Application No. 11/621,468	:	
Filed: 01/09/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 04019.00086	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 09, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Wang et al. :
Application No. 11/621,486 :
Filed: January 9, 2007 :
Attorney Docket No. M-16702 US :
For: METHODS TO COMPENSATE :
MANUFACTURING VARIATIONS AND :
DESIGN IMPERFECTIONS IN A CAPSULE :
CAMERA :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action, mailed July 8, 2010, which set an extendable three month period for reply. No extension of time being obtained under 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on October 9, 2010. A Notice of Abandonment was mailed on January 20, 2011.

Applicants have submitted a RCE and required \$405.00 fee and amendment in reply to the July 8, 2010 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the July 8, 2010 final Office action, and the \$810.00 petition fee.

The petition is **GRANTED**.

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

After the mailing of this decision the application will be forwarded to Technology Center AU 2622 for consideration of the RCE and amendment filed on January 31, 2011.

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: EDWARD C. KWOK
2033 GATEWAY PLACE, SUITE 300
SAN JOSE, CA 95110



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**PATTERSON & SHERIDAN, LLP/IBM SVL
3040 POST OAK BLVD.
SUITE 1500
HOUSTON TX 77056-6582**

**MAILED
JAN 10 2012
OFFICE OF PETITIONS**

In re Application of :
JIN, QI et al. :
Application No. 11/621,521 : **DECISION ON PETITION**
Filed: January 27, 1998 :
Attorney Docket No. :
SVL920060126US1/4083P :

This is a decision on the petition under 37 CFR 1.137(b), filed November 09, 2011, to revive the above-identified design 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 25, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 25, 2011. Accordingly, the date of abandonment of this application is October 26, 2011.

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 (1).

The Office recognizes that the petitioner filed a Request for Continued Examination (RCE) as a response to the Notice of Allowance mailed July 25, 2011; however the issue and publication fees must be paid as a condition for revival.

The request to apply the issue fee to the Notice may be satisfied by completing and returning the Issue Fee Transmittal Form PTOL-85b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee to the application identified above.

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) 272-4231.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
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

**PATTERSON & SHERIDAN, LLP/IBM SVL
3040 POST OAK BLVD.
SUITE 1500
HOUSTON TX 77056-6582**

MAILED

JAN 31 2012

OFFICE OF PETITIONS

In re Application of :
Qi JIN et al. :
Application No. 11/621,521 : **DECISION ON PETITION**
Filed: January 09, 2007 :
Attorney Docket No. SVL920060126US1/4083P :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 25, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 25, 2011. Accordingly, the date of abandonment of this application is October 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$930.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,860.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2167 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions



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

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of
Walter CALLEN, et al.
Application No. 11/621,528
Filed: January 9, 2007
Attorney Docket No. **9848-6DV2**

**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 July 20, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **ALSTON & BIRD, LLP** has been revoked by the assignee of the patent application on August 25, 2010. 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 the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **MYERS BIGEL SIBLEY & SAJOVEC, PA**
P.O. BOX 37428
RALEIGH, NC 27627



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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**ALSTON & BIRD LLP
SYNGENTA
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000**

MAILED

AUG 16 2010

In re Application of	:	
Walter Callen et al.	:	OFFICE OF PETITIONS
Application No. 11/621,534	:	
Filed: January 9, 2007	:	DECISION ON
Attorney Docket No. 052508/382237	:	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 July 19, 2010.

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 R. Flynt Strean on behalf of all attorneys/agents associated with customer 00826. All attorneys/agents associated with customer number 00826 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Syngenta Biotechnology, Inc.
P.O. Box 12257
Research Triangle Park, NC 27709-2257



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
11/621,534	01/09/2007	Walter CALLEN	052508/382237

CONFIRMATION NO. 1315

POWER OF ATTORNEY NOTICE



74711
ALSTON & BIRD LLP
SYNGENTA
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 08/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2010.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 5, 2011

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/621534 Patent No.: 7781201

CofC mailroom date: 12-28-10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Magdalene Talley

Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

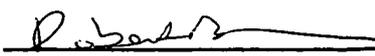
Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

ROBERT MONDEG
SUPERVISORY PATENT EXAMINER



SPE

1652

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036-4003

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Application of :
Whittaker et al. :
Application No. 11/621,536 :
Filed: January 9, 2007 :
Attorney Docket No. 14589-105005 :
For: VASCULAR GUIDEWIRE CONTROL :
APPARATUS :

ON PETITION

This is a decision on the petition, filed August 18, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the February 14, 2011 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on May 15, 2011. A Notice of Abandonment was mailed on September 1, 2011.

Applicants have submitted an amendment in reply to the February 14, 2011 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the February 14, 2011 non-final Office action, and the \$810.00 petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents 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.

After the mailing of this decision, the application will be returned to Technology Center AU 3763 for consideration of the amendment filed on August 18, 2011.

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: CALVIN G. COVELL
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114



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SCHWEGMAN LUNDBERG & WOESSNER PA
PO BOX 2938
MINNEAPOLIS MN 55402

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Patent No. 7,938,144 :
Issue Date: May 10, 2011 :
Application No. 11/621,542 : DECISION ON PETITION
Filed: January 9, 2007 :
Attorney Docket No. 2269.003US1 :

This is a decision on the petition under 37 CFR 3.81(b), filed May 18, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

¹ See 37 CFR 3.81.

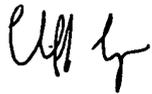
(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

Receipt of the \$130 processing fee and \$100 fee for the Certificate of Correction is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

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



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.



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

MAILED

AUG 16 2010

In re Application of :
Walter Callen et al. :
Application No. 11/621,543 :
Filed: January 9, 2007 :
Attorney Docket No. 052508/382243 :

**OFFICE OF PETITIONS
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 July 19, 2010.

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 R. Flynt Strean on behalf of all attorneys/agents associated with customer 00826. All attorneys/agents associated with customer number 00826 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Syngenta Biotechnology, Inc.
P.O. Box 12257
Research Triangle Park, NC 27709-2257



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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
11/621,543	01/09/2007	Walter Callen	052508/382243

CONFIRMATION NO. 1329

POWER OF ATTORNEY NOTICE



74711
ALSTON & BIRD LLP
SYNGENTA
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 08/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2010.

- 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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MOTOROLA SOLUTIONS, INC.
IP Law Docketing
1303 EAST ALGONQUIN ROAD
IL01/11th Floor
SCHAUMBURG IL 60196

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of :
Ramandeep Ahuja et al. :
Application No. 11/621,803 : **DECISION ON PETITION**
Filed: January 10, 2007 :
Attorney Docket No. CM07320H :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 2, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 3, 2010. A Notice of Abandonment was mailed on March 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the reply received March 25, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re Application of :
Baruch :
Application No. 11/621,858 : DECISION ON PETITION
Filed: January 10, 2007 :
Attorney Docket No. 40000005-0103-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed October 12, 2010. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on January 13, 2011. A Notice of Abandonment was mailed on January 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the \$755 issue and publication fees of \$300, (2) the petition fee of \$810; and (3) a statement of unintentional delay.

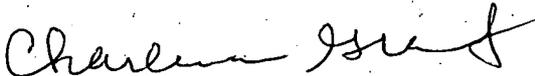
It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into 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 the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Reches appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf he acts. If, Mr. Reches desires to receive correspondence regarding this file, the appropriate power of attorney

documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Reches, the 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.

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

This application is being referred to the Office of Data Management for further processing.



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Oren Reches
211 North Union Street, Suite 100
Alexandria, VA 22314



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SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

MAILED

MAR 08 2011

In re Application of : **OFFICE OF PETITIONS**
Baruch :
Application No. 11/621,858 : **DECISION ON PETITION**
Filed: January 10, 2007 :
Attorney Docket No. 40000005-0103-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed October 12, 2010. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on January 13, 2011. A Notice of Abandonment was mailed on January 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the \$755 issue and publication fees of \$300, (2) the petition fee of \$810; and (3) a statement of unintentional delay.

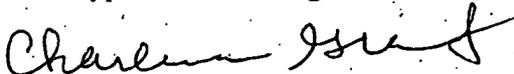
It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into 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 the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Reches appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf he acts. If, Mr. Reches desires to receive correspondence regarding this file, the appropriate power of attorney

documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Reches, the 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.

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

This application is being referred to the Office of Data Management for further processing.



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Oren Reches
211 North Union Street, Suite 100
Alexandria, VA 22314



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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE, Suite 3300
MILWAUKEE, WI 53202

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of :
Mitchell A. DELONG, et al. :
Application No. 11/621,887 : DECISION GRANTING PETITION
Filed: January 10, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **017425-9026 US00** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 22, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 31, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1625 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : July 9, 2010

TO SPE OF : ART UNIT 3636

SUBJECT : Request for Certificate of Correction for Appl. No.: 11621893

Patent No.: 7717123

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580**

Certificates of Correction Branch
703-756-1573

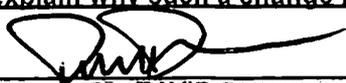
Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved** All changes apply.
- Approved in Part** Specify below which changes **do not** apply.
- Denied** State the reasons for denial below.

Comments: The Certificates of Correction is denied because of it changed the scope of the claimed invention. The claims stand correct as when allowed. The phrases "disposed" and "curved and extend outward" modify "to the third side direction" and "to the first side direction" respectively and cannot be switched. Furthermore, applicant did not explain why such a change is necessary.



DAVID DUNN
SUPERVISORY PATENT EXAMINER

3636

Art Unit



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

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application :
Geoffrey B. Rhoads et al. :
Application No. 11/621,905 : DECISION ON APPLICATION
Filed: January 10, 2007 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 098888-1962 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b) filed June 14, 2011. Applicant requests that the determination of patent term adjustment be corrected from 498 to 808 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/621,947	01/10/2007	Heng Cao	YOR920060548US1	2090

7590 10/08/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

FLEISCHER, MARK A

ART UNIT	PAPER NUMBER
3624	

3624

MAIL DATE	DELIVERY MODE
10/08/2010	PAPER

10/08/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 10/12/2010 SFARKER
09/11/2007 INTERLW 20080107 090510 11621947
22 FC:1111 529.00 CR



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NOV 01 2010

OFFICE OF PETITIONS

RAMBUS INC.
C/O Ann Williams
4440 EL CAMINO REAL
LOS ALTOS, CA 94022

In re Patent No. 7,506,136	:	
Issued: March 17, 2009	:	
Application No. 11/621,952	:	NOTICE
Filed: January 10, 2007	:	
Attorney Docket No.: HASE0010	:	

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.


 Sherry D. Brinkley
 Petitions Examiner
 Office of Petitions



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LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 21 2011

In re Application of
Jonathan W. Ellis
Application No. 11/621,992
Filed: January 10, 2007
Attorney Docket No. AD1-0007US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

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.

Petitioner should note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

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 undersigned at 571-272-1642.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MARGARET ANDERSON
106 E. 6TH STREET
SUITE 900
AUSTIN, TX 78701



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ARCHIBALD LLC
25 MALL ROAD
SUITE 300
BURLINGTON MA 01803

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of
Sanders
Application No. 11/621,994
Filed: January 11, 2007
Attorney Docket No. P7JS001
For: MULTIMEDIA GIFT CARD AND
TOTAL GIFT PACKAGE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 2011, 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 Restriction Requirement, mailed October 30, 2008, which set a one month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on December 1, 2008. A Notice of Abandonment was mailed on October 5, 2009.

Applicant has submitted a proper reply to the October 30, 2008 Restriction Requirement in the form of an election, an acceptable statement of the unintentional nature of the delay in responding to the October 30, 2008 Restriction Requirement, and the \$930.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

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.

After the mailing of this decision, the file will be returned to Technology Center AU 2876 for consideration of the election filed on June 29, 2009.

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

CC: PATRICK D. ARCHIBALD
17 TERSOLO RD.
HAVERHILL, MA 01832



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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
David A. Hurowitz et al. :
Application No. 11/622,093 : **DECISION ON PETITION**
Filed: January 11, 2007 :
Attorney Docket No. **31641.0003** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 05, 2010, to revive the above-identified application.

The petition is **GRANTED**.

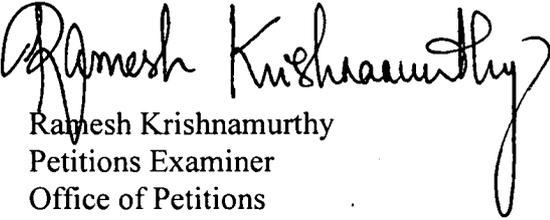
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 05, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 06, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the response to the non-final Office action of October 05, 2009 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 Technology Center AU 2617 for appropriate action on the concurrently filed amendment.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

**MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006**

In re Application of :
David A. HUROWITZ, et al :
Application No. 11/622,107 : DECISION ON PETITION
Filed: January 11, 2007 :
Attorney Docket No. 31641.0002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 5, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) the required 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) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-2600.

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwy
Petitions Examiner
Office of Petitions



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ANGELA M. BRUNETTI, PLLC
3233 LAKE FOREST DR.
STERLING HEIGHTS MI 48314

MAILED

APR 21 2011

OFFICE OF PETITIONS

In re Application of :
Kirk Englert et al :
Application No. 11/622,129 : DECISION ON REQUEST FOR REFUND
Filed: January 11, 2011 :
Attorney Docket No. 81145221 :

This is a decision on the Request For Refund filed January 27, 2011.

The request is **GRANTED**.

Applicant request that the IDS filed electronically on January 27, 2011, in the above-identified application be removed because the IDS was filed in the wrong application.

In view of the above, the IDS filed in the above application on January 27, 2011, have been closed and the IDS fee of \$180.00 is being credited to petitioner's deposit account no. 06-1510 as authorized.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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JUN 28 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jean-Jacques Pairault :
Application No. 11/622,182 :
Filed: January 11, 2007 :
Attorney Docket No. T2147-12442US01 :

This is a decision on the petition, filed June 28, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 20, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This matter is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/622,381	01/11/2007	Catherine Schweers	5N11.1-221	2861
76658	7590	08/19/2010	EXAMINER	
GARDNER GROFF GREENWALD & VILLANUEVA, PC			STEITZ, RACHEL RUNNING	
2018 POWERS FERRY ROAD			ART UNIT	PAPER NUMBER
SUITE 800			3732	
ATLANTA, GA 30339			NOTIFICATION DATE	DELIVERY MODE
			08/19/2010	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):

PATENT@GARDNERGROFF.COM
MKANDCER@GARDNERGROFF.COM



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11622381	1/11/2007	SCHWEERS ET AL.	5N11.1-221

GARDNER GROFF GREENWALD & VILLANUEVA, PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

RACHEL R.. STEITZ

ART UNIT	PAPER
3732	20100816

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In view of the papers filed June 4, 2010, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding inventor Lau, P. Chiu. The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732

/Rachel Running Steitz/
Examiner
Art Unit: 3732

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By fax: (703) 872-9306
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If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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JUL 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,916,328
Issue Date: March 29, 2011
Application No. 11/622,382
Filed: January 11, 2007
Attorney Docket No. 4554-023

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:
:

ON PETITION

This is a decision on the petition filed June 9, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent.

The request is **GRANTED**.

Petitioner states that the correct assignee names are PFU Limited and Fujitsu Limited. Further, petitioner states that the assignee's names were incorrectly indicated on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

Office assignment records reflect that PFU Limited and Fujitsu Limited were the assignees of record before issuance of the patent. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it is appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this decision may be directed to Alicia Kelley-Collier at (571) 272-6059. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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JUN 23 2011

OFFICE OF PETITIONS

**PATENT LAW AGENCY, LLC
PETER GANJIAN
3146 NORTH VERDUGO ROAD
GLENDALE, CA 91208-1665**

In re Application of :
MEKIKIAN :
Application No. 11/622,401 : **DECISION ON PETITION**
Filed: January 11, 2007 : **TO WITHDRAW**
Attorney Docket No. 34036-701202 : **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, 2011.

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

A review of the file record indicates that the power of attorney to Peter Ganjian and the attorneys associated with Customer No. 81793, has been revoked by the applicant of the patent application on May 17, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Future communications from the Office will continue to be directed to the address first copied below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: GARY C. MEKIKIAN
3819 OCEAN VIEW BLVD.
MONTROSE, CA 91020

cc: GARY C. MEKIKIAN
4274 BEULAH DRIVE
LA CANANDA CA 91011



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Loveland CO 80538

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OFFICE OF PETITIONS

In re Application of :
WOOLLEY et al. :
Application No. 11/622,422 : **ON PETITION**
Filed: 01/11/2007 :
Attorney Docket No. COMP.01USG1 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2011, to revive the application.

The petition is **GRANTED**.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of May 10, 2011, which set a three-month shortened statutory period for response. No extensions of time for response were obtained pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned on August 11, 2011. A Notice of Abandonment was mailed on November 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 1712 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should 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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Fish & Richardson PC
P.O.Box 1022
Minneapolis MN 55440

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JUL 19 2011
OFFICE OF PETITIONS

In re Patent No. 7.903.125 :
Ayers et al. : DECISION ON REQUEST FOR
Issue Date: March 8, 2011 : RECONSIDERATION OF
Application No. 11/622,425 : PATENT TERM ADJUSTMENT
Filed: January 11, 2007 :
Attorney Docket No. 07844- :
709001/P657 :

This is a decision on the petition filed on May 6, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred forty-two (842) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

BACKGROUND

On March 8, 2011, the application matured into U.S. Patent No. 7,903,125, with a revised patent term adjustment of 715 days. On May 6, 2011, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 842. Patentee maintains that the Office incorrectly calculated Office delay pursuant to 35 U.S.C.

154(b)(1)(B) and 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on November 1, 2010, thereby closing examination of the application on that date. Thus, Patentees argue no continued examination took place during the 128 day period from November 1, 2010 (the mailing date of the Notice of Allowance) until March 8, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 128 days and be increased from 106 to 234 days. Patentee concludes that the correct patent term adjustment is 842 days (the sum of 631 days of "A delay" and 234 days of "B delay" minus 1 day of overlap between "A delay" and "B delay" and minus 22 days of applicant delay).

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including -

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance

of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

- (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
- (2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
- (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
- (4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
- (5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) as 106 days based on the application having been filed under 35 U.S.C. 111(a) on January 11, 2007 and the patent not having issued as of the day after the three year date, January 12, 2010, and a request for continued examination under 132(b) having been filed on April 28, 2010 (B delay = beginning on January 12, 2010 and ending on April 27, 2010). In other words, the 128-day period from the date of filing of the request for continued examination to the date of issuance of the patent was not included in the "B delay." (excluded = beginning on April 28, 2010 and ending on March 8, 2011).

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b). So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C.

371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See *Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term*, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 139, 88 U.S.P.Q.2d, 1538 (D.D.C. 2008), because the clock for

calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii). Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days.

"Consumed by" means used by or used in the course of. Webster's Collegiate Dictionary, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance.

Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued

examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on April 28, 2010, and the patent issued by virtue of that request on March 8, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on April 28, 2010 and ending on March 8, 2011 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 715 days indicated on the patent is correct.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should 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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KEVIN MCANDREWS
KLA TENCOR CORPORATION
ONE TECHNOLOGY DRIVE
CORPORATE LEGAL DEPARTMENT
MILPITAS, CA 95035

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Mark J. Wihl, et al.
Application No. 11/622,432
Filed: January 11, 2007
Attorney Docket No.: KLA1P180/P1854

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed October 21, 2010.

The petition is **GRANTED**.

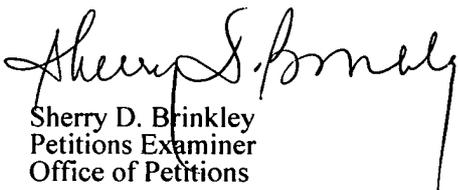
The application became abandoned for failure to timely pay the issue and publication fees on or before October 20, 2010, as required by the Notice of Allowance and Fee(s) Due mailed July 20, 2010. On October 21, 2010, the present petition was filed. A Notice of Abandonment was subsequently mailed on October 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SCOT M. RINGENBERG
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154



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**LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303**

MAILED

MAR 16 2011

In re Patent No. 7,562,660	:	OFFICE OF PETITIONS
Issue Date: July 21, 2009	:	
Application No. 11/622,442	:	ON PETITION
Filed: January 11, 2007	:	
Attorney Docket No. HNMDNN00104	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed January 25, 2011.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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

Alicia Kelley
Petitions Examiner
Office of Petitions



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APR 12 2011

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent of Yang :
Patent No. 7,856,148 :
Issued: December 21, 2010 :
Application No. 11/622,592 : ON APPLICATION FOR
Filed: January 12, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. 19819-109002 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d),” filed February 22, 2011. Patentee requests that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred thirty (930) days.

The petition is **DISMISSED**.

Patentee argues that the Director erred in the calculation of patent term adjustment by subtracting from the period of B Delay a period of time that was not “consumed by continued examination of the application.” The first Request for Continued Examination (RCE) was filed on June 3, 2010. On August 26, 2010, the Office mailed a Notice of Allowance. Patentee argues no continued examination took place during the 118 day period from August 26, 2010 (the mailing date of the Notice of Allowance) until December 21, 2010 (the date the patent issued). Thus, patentee argues 118 days should have been added to the 141 days accorded by the Director for the B Delay period (beginning January 13, 2010 and ending on June 2, 2010, the day before the first RCE was filed).

Patentee’s argument has been considered, but has not been found to be persuasive. Per 35 U.S.C. § 154(b)(1)(B)(i), B Delay does not include “any time consumed by continued examination of the application requested by the applicant under section 132(b).”

Per the language of 37 CFR 1.703(b)(1):

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods:

(1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

As stated above, the number of days beginning on the date a RCE was filed and ending on the issuance date of the patent are not included in the B Delay period. The maximum B Delay in this case is 141 days, which is the number of days beginning on January 13, 2010, the day after the date three years after application's the filing date, and ending on June 2, 2010, the day before the date the first RCE was filed. The filing of the first RCE cuts off accumulation of any additional period of adjustment for the over three year calculation. All days from the date the first RCE was filed to the date of issuance are not included, per 37 CFR 1.703(b)(1):

The patent term adjustment remains 812 days, which is the sum of 741 days of delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay") and 141 days of maximum B Delay, reduced by 70 days of overlapping A Delay and B Delay, reduced by 0 days of Applicant delay.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-14-2010

TO SPE OF : ART UNIT 2153

SUBJECT : Request for Certificate of Correction for Appl. No:11622627 Patent No: 7412482

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (Co f C
Randolph Square – 9D10-A
Palm Location 7580**

EvaJames

Certificates of Correction Branch

703-756-1583 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

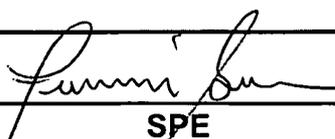
All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.



SPE

2448

Art Unit



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for Jeong Hyu Yang and examiner information for Banks Harold, Marsha Denise.

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):

PATDOCTC@fr.com



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FEB 15 2011

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

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

In re Application of	:	
YANG, JEONG	:	DECISION ON REQUEST TO
Application No. 11/622,675	:	PARTICIPATE IN PATENT
Filed: January 12, 2007	:	PROSECUTION HIGHWAY
Att. Docket No. 19819-111002	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 7, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400



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Decision Date : April 13, 2012

In re Application of :

Jacob Albertson

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11622676

Filed : 12-Jan-2007

Attorney Docket No : AUS920060628US1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 13, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2443 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	11622676
Filing Date	12-Jan-2007
First Named Inventor	Jacob Albertson
Art Unit	2443
Examiner Name	DANIEL MURRAY
Attorney Docket Number	AUS920060628US1
Title	WARNING A USER ABOUT ADVERSE BEHAVIORS OF OTHERS WITHIN AN ENVIRONMENT BASED ON A 3D CAPTURED IMAGE STREAM

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Amy J. Pattillo/
Name	Amy J. Pattillo
Registration Number	46983



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/622,681	01/12/2007	Jeong Hyu Yang	12/499,115	3437
26161	7590	02/16/2011	EXAMINER	
FISH & RICHARDSON P.C. (BO) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BANKS HAROLD, MARSHA DENISE	
			ART UNIT	PAPER NUMBER
			2482	
			NOTIFICATION DATE	DELIVERY MODE
			02/16/2011	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):

PATDOCTC@fr.com



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FEB 15 2011

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

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

In re Application of	:	
YANG, JEONG	:	DECISION ON REQUEST TO
Application No. 11/622,681	:	PARTICIPATE IN PATENT
Filed: January 12, 2007	:	PROSECUTION HIGHWAY
Att. Docket No. 19819-111004	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 7, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400



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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of :
George Raad :
Application No. 11/622,730 : **DECISION ON PETITION**
Filed: January 12, 2007 :
Attorney Docket No. MOUSS.4701-NY :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 25, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 26, 2009. A Notice of Abandonment was mailed on January 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received June 22, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7-27-11

TO SPE OF : ART UNIT 1771

SUBJECT : Request for Certificate of Correction for Appl. No.: 11622731 Patent No.: 7967976

CofC mailroom date: 7-18-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580**

Note: _____

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

Jon Sub Bullock
SPE

1772
Art Unit



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

**STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005**

**MAILED
OCT 18 2010
OFFICE OF PETITIONS**

In re Application of :
Pierre-Paul Giroux, et al. :
Application No. 11/622,741 : **DECISION ON PETITION**
Filed: January 12, 2007 :
Attorney Docket No. 1500.1116 :

This is a decision on the petition, filed September 27, 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 is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a “Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment.”

This application was held abandoned for failure to reply to the final Office action mailed January 6, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 5, 2010.

Petitioner asserts that the Office action dated January 6, 2010 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.

The showing required to establish nonreceipt of an Office communication must include:

(1) 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.

(2) 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.

(3) 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. See MPEP §711.03(c)(I)(A).

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 item 3 of the above-stated requirements. A copy of the docket or master docket records was not included with the instant petition.

Accordingly, absent the required evidence to establish nonreceipt of the Office action of January 6, 2010, 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 \$1,620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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 Terri Johnson at (571) 272-2991.

/Ramesh Krishnamurthy/
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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Pierre-Paul Giroux, et al. :
Application No. 11/622,741 : **DECISION ON PETITION**
Filed: January 12, 2007 :
Attorney Docket No. 1500.1116 :

This is a decision on the renewed petition, filed October 22, 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 is **GRANTED**.

This application was held abandoned for failure to reply to the Final Office action mailed January 6, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 5, 2010.

Petitioner asserts that the Office action dated January 6, 2010 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.

The showing required to establish nonreceipt of an Office communication must include:

(1) 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.

(2) 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.

(3) 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. See MPEP §711.03(c)(I)(A).

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.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Technology Center technical support staff of Art Unit 2628 for re-mailing the Office action of January 6, 2010. The period for reply will run from the mailing date of the Office action.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions