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

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of :
James M. Rixen :
Application No. 11/707,633 : DECISION ON PETITION
Filed: February 16, 2007 :
Attorney Docket No. RME 307 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 30, 2010, to revive the above-identified design application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of David P. Cooper appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

In response to the decision mailed December 31, 2009, petitioner submits the present renewed petition along with $1,175 for a five months extension of time.

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 containing Figures 1-18; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

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

/Andrea M. Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

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520 SW YAMHILL STREET
PORTLAND, OR 97204

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of	:	
James M. Rixen	:	
Application No. 11/707,633	:	DECISION ON PETITION
Filed: February 16, 2007	:	
Attorney Docket No. RME 307	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice to File Corrected Application Papers (Notice) mailed October 8, 2010. A Notice of Abandonment was mailed May 19, 2011.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34, the signature of David P. Cooper appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

Since 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[1]; (2) the petition fee of $930; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] It is noted that petitioner has deleted Figures 7 and 8 from the replacement drawings filed on December 8, 2011. However, petitioner did not renumber the drawings consecutively. Therefore, upon examination, the examiner may request petitioner to submit replacement drawings.

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AUG 15 2011
OFFICE OF PETITIONS

AT&T Legal Department - Roebuck
Attn: Patent Docketing
One AT&T Way,
Room 2A-207
Bedminster NJ 07921

In re Application of	:	
Jerald Robert Howcroft	:	
Application No. 11/707,746	:	ON PETITION
Filed: February 15, 2007	:	
Attorney Docket No. 2006-1194 (ATT 2035)	:	

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

The petition is **DISMISSED** because it is moot.

On January 7, 2011 a Final Office action was mailed which set a three (3) month time period to respond. On July 7, 2011, the applicant timely filed a request for a three (3) month extension of time, a request for continued examination and an amendment. The application is not abandoned and therefore the petition to revive is unnecessary.

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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **G. Michael Roebuck**
Frost Bank Building
6750 West Loop South, Suite 920
Bellaire, TX 77401

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JUL 06 2011

OFFICE OF PETITIONS

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re Application of :
Keerti S. RATHORE et al. : ON PETITION
Application No. 11/707,760 :
Filed: February 16, 2007 :
Atty. Docket No.: COTN:013US

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

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed January 4, 2011, which set a statutory period for reply of three (3) months. The application became abandoned on April 5, 2011. A Notice of Abandonment was mailed April 19, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice of Allowance and Fee(s) Due, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Notice 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 address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given no the petition, however, the Office will mail all future correspondence solely to the address of record.

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

The application file will be referred to Office of Data Management for further processing.

David Bucci
Petitions Examiner
Office of Petitions

cc: Robert E. Hanson, Esq.
2000 McKinney Avenue
Suite 1900
Dallas, Texas 75201

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PERRY + CURRIER INC.
1300 YONGE STREET
SUITE 500
TORONTO ON M4T-1X3 CA CANADA

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Mifsud et al.	:	
Application No. 11/707,765	:	DECISION ON PETITION
Filed: February 16, 2007	:	
Attorney Docket No. P2432US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 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 October 19, 2010, as required by the Notice of Allowance and Fee(s) Due mailed July 19, 2010. Accordingly, the application became abandoned on October 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 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.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of Dudley et al. Application No. 11/707,882 Filed: February 20, 2007 Attorney Docket No. 111828-00145	: : : : :	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 on August 3, 2010.

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 no Statement under 37 CFR 3.73(b) has been filed 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.

There is an outstanding Office action mailed April 16, 2010, that requires 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.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
OCT 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Koji Okuyama et al	:	
Application No. 11/707,983	:	DECISION GRANTING PETITION
Filed: February 20, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 071227	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 27, 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 30, 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 2433 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

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[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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VIA MERAVIGLI, 16
MILAN 20123 IT ITALY

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FEB 01 2011

OFFICE OF PETITIONS

In re Patent No. 7,823,865	:	
Issued: November 2, 2010	:	
Application No. 11/707,991	:	ON PETITION
Filed: February 20, 2007	:	
Attorney Docket No. 43208/AJ/PS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 2, 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**.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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JUL 18 2011
OFFICE OF PETITIONS

MH2 TECHNOLOGY LAW GROUP, LLP
1951 KIDWELL DRIVE
SUITE 550
TYSONS CORNER VA 22182

In re Patent of Gill et al	:	DECISION ON
Patent No. 7,901,684	:	REQUEST FOR RECONSIDERATION
Issue Date: March 8, 2011	:	OF
Application No. 11/708,061	:	PATENT TERM ADJUSTMENT &
Filed: February 20, 2007	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. WYT-104	:	CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT - POST GRANT, filed March 29, 2011. The petition will be treated under 37 CFR 1.705(d). Patentees request that the revised patent term adjustment indicated on the patent be corrected from three hundred forty-five (345) days to three hundred eighty-two (382) days.

The request for reconsideration of patent term adjustment is **GRANTED**.

On March 8, 2011, the above-identified application matured into U.S. Patent No. 7,901,684 with a revised patent term adjustment of 345 days. On March 29, 2011, patentees timely filed the instant petition.

Patentees argue that the patent term adjustment indicated in the patent is incorrect and should be recalculated because the Office should not have charged applicants with a 120 day reduction under 37 CFR 1.704(c)(10) for the filing of a Letter Regarding Patent Term Adjustment on July 31, 2010, after the mailing of the Notice of Allowance on May 25, 2010.

Patentees are correct. A review of the record confirms that a period of reduction of 120 days was improperly entered for the filing of a candor letter on July 31, 2010.

§ 1.704(e) provides that:

> Submission of an application for patent term adjustment under § 1.705(b) (with or without request under §1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section.

Likewise, filing of a letter pursuant to comment 43 is covered by 37 CFR 1.704(e). Therefore, the Patent Term Adjustment was incorrectly reduced. Consequently 120 days will be properly restored to patentees' patent term adjustment.

Patentees are also correct that the Office improperly entered an 83 day adjustment in connection the mailing of a notice of allowance on March 25, 2010.

A notice of appeal and an amendment after final were filed on November 3, 2009. The amendment failed to place the application in *prima facie* condition for allowance, as was explained in the November 18, 2009 advisory action. On January 28, 2010, applicants filed another amendment after final. A notice of allowance was mailed on May 25, 2010 in response to the arguments presented in the January 28, 2010 amendment after final. Thus, no reduction is warranted under 37 CFR 1.702(a)(2) because the May 25, 2010 notice of allowance was mailed within four months of the filing of the January 28, 2010 amendment.

In view thereof, the patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred eighty-two (382) days, which is 287 days of A delay + 381 days of B delay minus 75 overlapping days minus 204 days of excluded appellate review minus 7 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 acknowledges receipt of the $200.00 petition fee.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in

order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred eighty-two (382)** days.

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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,901,684 B2

DATED : **March 8, 2011** **DRAFT**

INVENTOR(S) : Gill 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 U.S.C. 154(b) by 345 days

Delete the phrase "by 345 days" and insert – by 382 days--

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P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Paul E. Pastusek, et al.	:	
Application No. 11/708,147	:	DECISION ON PETITION
Filed: February 16, 2007	:	
Attorney Docket No. 1684-7592US (484-39940-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 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 28, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 28, 2010. Accordingly, the date of abandonment of this application is September 29, 2010. The Notice of Abandonment was mailed October 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 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 Terri Johnson at (571) 272-2991.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Paper No.

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

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SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Darryl Walker	:	
Application No. 11/708,174	:	ON APPLICATION FOR
Filed: February 20, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No. 088245-6766	:	

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 September 7, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is one thousand three hundred forty-five (1345) days, not eight hundred eighty-three (883) 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). (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 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).

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[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.

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).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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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.
11/708,309	02/20/2007	Alfred R. Lopez	92313/20060340	1298

7590 09/22/2011

Daniel J. Long
BAE SYSTEMS Electronics and Integrated Solutions
PO Box 868
Nashua, NH 03061-0868

EXAMINER
CHEN, SHIH CHAO

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
09/22/2011	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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ALEXANDRIA, VA 22313-1450
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SEP 22 2011

In re Patent No. LOPEZ, ALFRED R.	:	
Issue Date: August 26, 2008	:	**DECISION GRANTING**
Appl No.: 11/708,309	:	**PETITION**
Filed: February 20, 2007	:	*37 CFR 1.324*
For: GPS Antenna Systems And Methods With Vertically-	:	
Steerable Null For Interference Suppression	:	
	:	
	:	

This is a decision on the petition filed December 2, 2009 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Jacob Y. Choi
Supervisory Patent Examiner
Art Unit 2821
Technology Center 2800

Daniel J. Long
BAE SYSTEMS Electronics and Integrated Solutions
PO Box 868
Nashua, NH 03061-0868

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Charles E. Lykes, Jr., Esq.
Suite 101
501 S. Ft. Harrison Ave.
Clearwater FL 33756-5317

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Application of :
Ronnie G. Kinsey :
Application No. 11/708,320 : ON PETITION
Filed: February 16, 2007 :
Attorney Docket No. **2006010IPA** :

This is a decision on the 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 reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 17, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 18, 2009.

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 $930 (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 Patent Application Processing.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Nellcor Puritan Bennett LLC
Attn: IP Legal
6135 Gunbarrel Avenue
Boulder CO 80301

MAILED
APR 03 2012
OFFICE OF PETITIONS

In re Application of :
Lynn :
Application No. 11/708,422 : ON PETITION
Filed: February 20, 2007 :
Attorney Docket No. **H-NE-00268/5847-22**

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2012, to revive the above-identified application.

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

The above-identified application became abandoned on December 2, 2011, for failure to file a proper reply to the final Office action mailed September 1, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed March 12, 2012.

The Request for Continued Examination filed March 9, 2012, is noted.

The address cited on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

In re Application No. 11/708,422

The application file is being forwarded to Technology Center, GAU 3735 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:
Tadd F. Wilson
Sheridan Ross
1560 Broadway, Suite 1200
Denver, CO 80230

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PAUL V. KELLER, PLC
4585 LIBERTY RD.
SOUTH EUCLID OH 44121

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SEP 09 2010
OFFICE OF PETITIONS

In re Application of	:	
Jiyang Yan	:	
Application No. 11/708,550	:	DECISION ON PETITION
Filed: February 20, 2007	:	
Attorney Docket No. 06-RTRN-515	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 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 19, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 19, 2010. Accordingly, the date of abandonment of this application is July 20, 2010. The Notice of Abandonment was mailed August 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 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 Terri Johnson at (571) 272-2991.

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

Terri Johnson
Petitions Examiner
Office of Petitions

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LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

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DEC 23 2010
OFFICE OF PETITIONS

In re Application of	:	
Nguyen, Hung T.	:	
Application No. 11/708,570	:	ON PETITION
Filed: February 21, 2007	:	
Attorney Docket No. 25458.02	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 7, 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 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 3633 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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HONEYWELL/S&S
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown NJ 07962-2245

In re Application of	:	
Cress et al.	:	DECISION ON APPLICATION
Application No. 11/708,640	:	FOR PATENT TERM ADJUSTMENT
Filed: February 21, 2007	:	
Docket No. H0013408-1160	:	
(BSKB: 2929	:	

This is a decision on the petition filed on August 15, 2011 pursuant to 37 C.F.R. § 1.705(b) 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 two hundred and four (204) days.

The application for patent term adjustment is **GRANTED to the extent** that the Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred and seven **(207)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On May 13, 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 is zero days. On August 15, 2011, Applicants timely submitted the instant application for patent term adjustment.[1]

Applicants have indicated that any patent issuing from this application is not subject to a terminal disclaimer.[2]

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[1] Office finance records indicate that the issue fee payment was received on August 15, 2011.
[2] Petition, page 2.

Two periods of applicant delay and one period of examination delay are in dispute.

First, Applicants dispute the period of reduction of 469 days for the filing of an Information Disclosure Statement (IDS) on July 31, 2008.

Pursuant to 37 CFR 1.704(c)(8), 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, is a failure to engage in reasonable efforts to conclude prosecution.

The record shows that a non-final Office action, mailed on November 14, 2008, was the first notification under 35 U.S.C. § 132. The record further reveals that the IDS was filed on July 31, 2008, prior to the mailing of the non-final Office action. The IDS was not filed as a supplemental paper within the meaning of 37 CFR 1.704(c)(8). Accordingly, the period of reduction of 469 days for the filing of the IDS on July 31, 2008 has been removed.

Second, the Office agrees that the adjustment of 453 days should be removed, and that an adjustment of 207 days is warranted. This application was filed on February 21, 2007. Fourteen months and 207 days later, the Office mailed the aforementioned non-final Office action on November 14, 2008. As such, an adjustment of 207 days is warranted, pursuant to 37 C.F.R. § 1.703(a)(1). The Office improperly accorded an adjustment of 453 days. The adjustment of 453 days has been removed, and an adjustment of 207 days has been entered.

Third, Applicants argue that a reduction of three days is warranted pursuant to 37 C.F.R. § 1.704(b), as a final Office action was mailed on June 4, 2010, and a response (a Request for Continued Examination) was filed three months and three days later on September 8, 2010. A review of the record indicates that the aforementioned final Office action was mailed on June 8, 2010, not June 4, 2010. It follows that the submission of the Request for Continued Examination on September 8, 2010 does not warrant a reduction pursuant to 37 C.F.R. § 1.704(b). Regarding this particular issue, Applicants are given **TWO MONTHS** from the mail date of this decision to respond. No extension of time will be granted under 37 C.F.R. § 1.136.

In view thereof, the patent term adjustment as of the mailing of the notice of allowance is 207 days: 207 examination delay minus zero applicant delay.

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).

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 regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

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

Patent Term Adjustments

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 11708640 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11708640

Application Filing Date	02/21/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	453
A Delays	453	PTO Manual Adjustment	223
B Delays	0	Applicant Delay (APPL)	469
C Delays	0	Total PTA (days)	207

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL		Parent Action Number
109	08/23/2011		P028	Adjustment of PTA Calculation by PTO	207		0	
108	08/23/2011		P028	Adjustment of PTA Calculation by PTO		453	0	
107	08/23/2011		P028	Adjustment of PTA Calculation by PTO	469		0	
106	08/23/2011		P028	Adjustment of PTA Calculation by PTO	469		0	
105	08/23/2011		P028	Adjustment of PTA Calculation by PTO		469	0	
95	05/13/2011		MN/=.	Mail Notice of Allowance			0	
94	05/10/2011		N/=.	Notice of Allowance Data Verification Completed			0	
93	05/10/2011		IREV	Issue Revision Completed			0	
92	05/10/2011		DVER	Document Verification			0	
91	05/09/2011		CNTA	Allowability Notice			0	
88	05/06/2011		FWDX	Date Forwarded to Examiner			0	
87	05/04/2011		A.NE	Amendment after Final Rejection			0	
86	03/04/2011		ELC_RVW	Electronic Review			0	
85	03/04/2011		EML_NTF	Email Notification			0	
84	03/04/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0	
83	02/28/2011		CTFR	Final Rejection			0	
82	12/17/2010		FWDX	Date Forwarded to Examiner			0	
80	12/16/2010		EML_NTR	Email Notification			0	
79	12/16/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0	
81	12/15/2010		A...	Response after Non-Final Action			0	
78	12/08/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0	
76	09/15/2010		EML_NTF	Email Notification			0	
74	09/15/2010		MCTNF	Mail Non-Final Rejection			0	
77	09/14/2010		ELC_RVW	Electronic Review			0	
75	09/14/2010		EML_NTR	Email Notification			0	
73	09/14/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0	
72	09/11/2010		CTNF	Non-Final Rejection			0	
69	09/10/2010		FWDX	Date Forwarded to Examiner			0	
66	09/10/2010		ABN9	Disposal for a RCE / CPA / R129			0	
64	09/09/2010		C.AD	Correspondence Address Change			0	
71	09/08/2010		IDSC	Information Disclosure Statement considered			0	
70	09/08/2010		EIDS.	Electronic Information Disclosure Statement			0	
68	09/08/2010		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0	
67	09/08/2010		RCEX	Request for Continued Examination (RCE)			0	
65	09/08/2010		WIDS	Information Disclosure Statement (IDS) Filed			0	
63	09/08/2010		BRCE	Workflow - Request for RCE - Begin			0	
62	06/08/2010		ELC_RVW	Electronic Review			0	
61	06/08/2010		EML_NTF	Email Notification			0	
60	06/08/2010		MCTFR	Mail Final Rejection (PTOL - 326)			0	
59	06/04/2010		CTFR	Final Rejection			0	
58	03/30/2010		FWDX	Date Forwarded to Examiner			0	
57	03/05/2010		A...	Response after Non-Final Action			0	
56	01/05/2010		PST_CRD	Mail Post Card			0	
55	12/28/2009		EML_NTF	Email Notification			0	
54	12/28/2009		MCTNF	Mail Non-Final Rejection			0	
53	12/22/2009		CTNF	Non-Final Rejection			0	
52	10/14/2009		FWDX	Date Forwarded to Examiner			0	
51	10/02/2009		A...	Response after Non-Final Action			0	
50	08/21/2009		EML_NTR	Email Notification			0	
49	08/21/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0	
48	08/17/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)			0	
47	07/07/2009		MCTNF	Mail Non-Final Rejection			0	
46	07/06/2009		CTNF	Non-Final Rejection			0	
45	07/01/2009		FWDX	Date Forwarded to Examiner			0	
43	07/01/2009		FWDX	Date Forwarded to Examiner			0	
41	07/01/2009		ABN9	Disposal for a RCE / CPA / R129			0	
44	06/15/2009		AMPR	RCE- AF Processed			0	

42	06/15/2009		RCEX	Request for Continued Examination (RCE)			0
40	06/15/2009		C.ADB	Correspondence Address Change			0
39	06/15/2009		BRCE	Workflow - Request for RCE - Begin			0
38	05/29/2009		MCTAV	Mail Advisory Action (PTOL - 303)			0
37	05/28/2009		CTAV	Advisory Action (PTOL-303)			0
36	05/28/2009		C.AD	Correspondence Address Change			0
35	05/28/2009		FWDX	Date Forwarded to Examiner			0
34	05/22/2009		A.NE	Amendment after Final Rejection			0
33	03/23/2009		MCTFR	Mail Final Rejection (PTOL - 326)			0
32	03/19/2009		CTFR	Final Rejection			0
31	01/27/2009		FWDX	Date Forwarded to Examiner			0
30	01/13/2009		A...	Response after Non-Final Action			0
27	11/14/2008	08/19/2007	MCTNF	Mail Non-Final Rejection	453		10
26	11/12/2008		CTNF	Non-Final Rejection			0
23	10/06/2008		DOCK	Case Docketed to Examiner in GAU			0
22	08/21/2008		PG-ISSUE	PG-Pub Issue Notification			0
29	07/31/2008		RCAP	Reference capture on IDS			0
28	07/31/2008	04/19/2007	M844	Information Disclosure Statement (IDS) Filed		469	10
25	07/31/2008		IDSC	Information Disclosure Statement considered			0
21	07/31/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
19	10/15/2007		DOCK	Case Docketed to Examiner in GAU			0
18	08/29/2007		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
14	07/27/2007		OIPE	Application Dispatched from OIPE			0
13	06/27/2007		PGPC	Sent to Classification Contractor			0
12	06/26/2007		L130	Receipt of all Acknowledgement Letters			0
11	06/26/2007		L197	Receipt of Acknowledgment Letter			0
10	04/19/2007		L175	Applicant response received			0
9	04/03/2007		ML170	Request for Applicant Statement Regarding Potential NASA Interest (45-Day Letter) Mailed			0
8	04/03/2007		ML196	Agency Referral Letter Mailed			0
6	04/03/2007		COMP	Application Is Now Complete			0
7	04/02/2007		PGPW	Waiting LR clearance			0
5	03/29/2007		L170	Referred for NASA Property Rights review by L&R LARS			0
4	03/29/2007		L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated			0
3	03/13/2007		L198	Referred to Level 2 (LARS) by OIPE CSR			0
2	03/08/2007		SCAN	IFW Scan & PACR Auto Security Review			0
24	02/21/2007		IDSC	Information Disclosure Statement considered			0
17	02/21/2007		RCAP	Reference capture on IDS			0
16	02/21/2007		M844	Information Disclosure Statement (IDS) Filed			0
15	02/21/2007		WIDS	Information Disclosure Statement (IDS) Filed			0
1	02/21/2007		IEXX	Initial Exam Team nn			0
0.5	02/21/2007		EFILE	Filing date			0

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

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Franz Kreupl	:	
Application No. 11/708,664	:	DECISION ON PETITION
Filed: February 20, 2007		TO WITHDRAW FROM RECORD
Attorney Docket No. QIM 2006 VJ 33340	:	
US01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 15, 2010.

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

A review of the file record indicates that on July 20, 2010 the power of attorney to Slater & Matsil, L.L.P. was revoked by the assignee of the patent application. 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 notified by applicant.

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

cc: MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

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CHARLES G. CALL
361 WILD COFFEE LN
MARCO ISLAND FL 34145-1849

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Logan et al.	:	
Application No. 11/708,692	:	ON PETITION
Filed: February 20, 2007	:	
Attorney Docket No. H-02	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 7, 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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $555.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2455 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Franz Kreupl et al :
Application No. 11/708,757 :
Filed: February 20, 2007 :
Attorney Docket No. QIM 2006 VJ 32410 US01

DECISION ON PETITION

This is a decision on the petition, filed September 8, 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 August 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.[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 should be directed to Irvin Dingle at (571) 272-3210.

This matter is being refered to Technology Center AU 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: John S. Economou
202 Mamaroneck Ave., Third Floor
White Plains, NY 10601

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[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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Mark Ogram
Ste 110-186
6990 E. 22nd St.
Tucson, AZ 85710-5192

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Mark Ellery Ogram	:	
Application No. 11/708,761	:	ON PETITION
Filed: February 20, 2007	:	
Attorney Docket No. 1414S.1	:	

This is a decision on the petition under 37 CFR 1.137(a), filed July 12, 2010, to revive the above-identified application.

The petition is **dismissed**.

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

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 Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lacks item (3).

A non-final Office action was mailed on October 2, 2007, setting a three-month period within which to submit a reply. Since no extensions of time under the provisions of 37 CFR 1.136 were obtained, the application became abandoned on January 3, 2008.

With regard to item (3) above, 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. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Petitioner asserts the response was due at the same time of downsizing his Office and movement and, as a result, there was confusion and issues that were not handled appropriately.

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).

Petitioner is strongly urged to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee[1].

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). A blank form is enclosed for petitioner's convenience.

Since the correspondence address given in the present petition differs from the correspondence address of record, a courtesy copy of this decision is being mailed to the address given in the present petition. Thereafter, all future correspondence will be mailed solely to the address of record until otherwise instructed.

[1] Since a petition under the unavoidable provisions of 37 CFR 1.137(a) requires a $270 petition fee, this fee will be deducted from the $810 submitted on July 12, 2010. The remaining balance of $540 will be placed on hold to await the filing of any renewed petition or a petition under 37 CFR 1.137(b). If petitioner desires to file a petition under 37 CFR 1.137(b), the difference of $270 will need to be submitted in order to complete the $810 petition fee requirement.

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 Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

Enclosures: Privacy Act Statement
Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) – Form No. PTO/SB/64

cc: Mark Ogram
780 S. Freeman Road
Tucson, AZ 85748

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Tucson, AZ 85710-5192

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MAR 10 2011

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In re Application of :
Mark Ellery Ogram :
Application No. 11/708,761 : ON PETITION
Filed: February 20, 2007 :
Attorney Docket No. 1414S.1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 2011, to revive the above-identified application.

A review of the record shows that a petition under 37 CFR 1.137(a) was filed on July 12, 2010. On January 5, 2011, a decision dismissing the petition was mailed. In response, on February 4, 2011, the present petition under 37 CFR 1.137(b) and fee of $810 was filed.

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**.

This application file is being referred to Technology Center Art Unit 2145 for review of the amendment submitted with the present petition[1].

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] It is noted that the amendment filed with the petition on February 4, 2011, appears to be a copy of the amendment received in the Office on July 12, 2010.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 01 2011

OFFICE OF PETITIONS

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

In re Application of	:	
Colleen Renee Clar et al	:	
Application No. 11/708,816	:	ON PETITION
Filed: February 21, 2007	:	
Attorney Docket No. SP07-024	:	

This is a decision on the renewed petition under 37 CFR 1.137(a), filed November 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 May 5, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice) mailed February 5, 2010. A Notice of Abandonment was mailed on May 26, 2010.

Petitioner asserts unavoidable delay in that the Notice mailed February 5, 2010, was never 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. However, petitioner has provided a showing to establish the failure to receive the Notice and a showing to the satisfaction of the Director that the entire delay was unavoidable.

Since the issue and publication fees have been received, this application is being referred to the Office of Patent Publication to be processed into a patent.

It appears that the petition fee has been paid twice; therefore, a total of $540.00 is being refunded to petitioner's deposit account, as authorization was provided.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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DIEHL SERVILLA LLC (COG/CGG)
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN, NJ 08830

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MAY 13 2011

OFFICE OF PETITIONS

In re Application of :
J. Douglas Wenzel, et al. :
Application No. 11/708,923 : ON PETITION
Filed: February 21, 2007 :
Attorney Docket No.: U 0315 F04C :

This is a decision in response to the petition, filed April 4, 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, October 7, 2008, 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 January 7, 2009. A Notice of Abandonment was mailed on April 15, 2009. On April 4, 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 amendment; (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 Technology Center AU 1657 for appropriate action by the Examiner in the normal course of business on the amendment received April 4, 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

cc: ROBERT N. HENRIE II
2000 MARKET STREET, 20TH FLOOR
PHILADELPHIA, PA 19103-3222

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	11708951
Filing Date	20-Feb-2007
First Named Inventor	Arnold Lippa
Art Unit	1618
Examiner Name	JAMES ROGERS
Attorney Docket Number	XTLV-1-0906
Title	Methods and compositions employing bicifadine for treating disability or functional impairment associated with acute pain, chronic pain, or neuropathic disorders

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.

Reply Fee

☒ A reply in the form of a continuing application with serial number 13297439 has been previously filed on 11-16-2011

Terminal disclaimer with disclaimer fee

☒ Terminal disclaimer and fee are not required

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the terminal disclaimer and fee have already been filed in the above-identified application on

☐ Terminal disclaimer and fee 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	/Jeffrey J. King/
Name	/Jeffrey J. King/
Registration Number	38515

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

Decision Date : November 30, 2011

In re Application of :

DECISION ON PETITION

Arnold Lippa

Application No : 11708951

Filed : 20-Feb-2007

Attorney Docket No : XTLV-1-0906

This is an electronic decision on the petition under 37 CFR 1.137(b), filed November 30, 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 an Office action. The date of abandonment is the day after the expiration date of the period set for reply in the Office action or action plus any extensions of time actually obtained.

The electronic petition satisfies the requirements of 37 CFR 1.137(b) in that the practitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee under 37 CFR 1.17(m), and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No 13297439 filed on 11-16-2011

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.

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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OFFICE OF PETITIONS

David R. Fairbairn
Kinney & Lange, P.A.
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis MN 55415-1002

In re Application of	:	
Suciu, et al.	:	DECISION ON APPLICATION
Application No. 11/709,013	:	FOR PATENT TERM ADJUSTMENT
Filed: February 21, 2007	:	
Atty Docket No. **U.73.12-0116**	:	
PA0002086US	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed September 23, 2010. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to six hundred and four (604) days.

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

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is six hundred and four **(604)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On August 30, 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 (PTA) to date is 0 days. On September 23, 2010, applicants timely submitted the instant application for patent term adjustment.[1] Applicants dispute the period of reduction of 698 days for the filing of an Information Disclosure Statement (IDS) on April 21, 2009.

Pursuant to 37 CFR 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental

[1] PALM records indicate that the issue fee payment was received on September 23, 2010.

reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

A review of the record reveals that the IDS was filed prior to the mailing of an Office action, and thus, prior to any reply to an Office action within the meaning of 37 CFR 1.704(c)(8) . The first Office action was mailed on September 28, 2009, with a reply thereto being filed thereafter. As such, the IDS filed April 21, 2009, was not filed as a supplemental paper within the meaning of 37 CFR 1.704(c)(8). A review of the application history further confirms that the IDS was not otherwise filed under circumstances that constitute a failure to engage in reasonable efforts to conclude prosecution. The period of reduction of 698 days entered for the IDS is not warranted and is being removed.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 604 days.

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.

Deposit account 21-0279 will be charged $200.00 fee set forth in 37 C.F.R. § 1.18(e). 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.

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 updated PALM screen

Patent Term Adjustments

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 11709013 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11709013

Application Filing Date	02/21/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	604
A Delays	604	PTO Manual Adjustment	698
B Delays	0	Applicant Delay (APPL)	698
C Delays	0	Total PTA (days)	604

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
54	11/15/2010		P028	Adjustment of PTA Calculation by PTO	698		0
46	08/30/2010		MN/=.	Mail Notice of Allowance			0
45	08/28/2010		N/=.	Notice of Allowance Data Verification Completed			0
43	08/28/2010		DVER	Document Verification			0
44	08/26/2010		IREV	Issue Revision Completed			0
42	08/16/2010		CNTA	Notice of Allowability			0
39	06/23/2010		FWDX	Date Forwarded to Examiner			0
38	06/16/2010		A...	Response after Non-Final Action			0
37	04/15/2010		MCTNF	Mail Non-Final Rejection			0
36	04/12/2010		CTNF	Non-Final Rejection			0
35	03/01/2010		FWDX	Date Forwarded to Examiner			0
34	01/19/2010		A...	Response after Non-Final Action			0
33	12/16/2009	04/21/2008	MCTNF	Mail Non-Final Rejection	604		-1
32	12/14/2009		CTNF	Non-Final Rejection			0
27	08/30/2009		DOCK	Case Docketed to Examiner in GAU			0
29	04/21/2009		IDSC	Information Disclosure Statement considered			0
26	04/21/2009	05/24/2007	EIDS.	Electronic Information Disclosure Statement		698	12
25	04/21/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
24	11/06/2008		PG-ISSUE	PG-Pub Issue Notification			0
23	10/27/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
20	09/30/2008		DOCK	Case Docketed to Examiner in GAU			0
19	08/19/2008		OIPE	Application Dispatched from OIPE			0
18	07/31/2008		PG-PB-DT	PG-Pub Notice of new or Revised projected publication date			0
17	07/31/2008		PGPC	Sent to Classification Contractor			0
16	07/29/2008		L130	Receipt of all Acknowledgement Letters			0
15	07/29/2008		L197	Receipt of Acknowledgment Letter			0
14	07/29/2008		L197	Receipt of Acknowledgment Letter			0
28	05/25/2007		IDSC	Information Disclosure Statement considered			0
22	05/25/2007		RCAP	Reference capture on IDS			0
21	05/25/2007		M844	Information Disclosure Statement (IDS) Filed			0
13	05/25/2007		WIDS	Information Disclosure Statement (IDS) Filed			0
12	05/24/2007		L175	Applicant response received			0
11	04/19/2007		ML170	Request for Applicant Statement Regarding Potential NASA Interest (45-Day Letter) Mailed			0
10	04/03/2007		ML196	Agency Referral Letter Mailed			0
9	04/03/2007		ML196	Agency Referral Letter Mailed			0
7	04/03/2007		COMP	Application Is Now Complete			0
8	04/02/2007		PGPW	Waiting LR clearance			0
6	03/29/2007		L170	Referred for NASA Property Rights review by L&R LARS			0
5	03/29/2007		L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated			0
4	03/29/2007		L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated			0
3	03/13/2007		L198	Referred to Level 2 (LARS) by OIPE CSR			0
2	03/08/2007		SCAN	IFW Scan & PACR Auto Security Review			0
1	02/22/2007		IEXX	Initial Exam Team nn			0

Export to: Excel

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MANELLI DENISON & SELTER PLLC
7TH FLOOR
2000 M STREET, N.W.
WASHINGTON DC 20036-3307

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Ghozati, et al.	:	
Application No. 11/709,058	:	DECISION
Filed/Deposited: 22 February, 2007	:	
Attorney Docket No. 20-614	:	

This is a decision on the petition filed on 6 January, 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 Notice of Allowance/Allowability and Fees Due (failure to pay publication fee) mailed on 13 September, 2010, with reply due absent extension of time on or before 13 December, 2010.

The application went abandoned by operation of law after midnight 13 December, 2010.

The Office mailed the Notice of Abandonment on 27 December, 2010.

On 6 January, 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 fees due 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.

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 Publications Branch to be processed into a patent 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 Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attdance 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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Deirdra M. Meagher
GlynnTech Inc.
6 Minneakoning Road
Flemington NJ 08822

MAILED

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OFFICE OF PETITIONS

In re Application of
Young
Application No. 11/709,100
Filed: February 20, 2007
Atty. Dkt. No.: LIY-111A

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 30, 2010.

The petition is **GRANTED**.

This application became abandoned August 6, 2010 for failure to timely reply to the Notice of Allowability (Notice) mailed May 5, 2010. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed August 18, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (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 has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this 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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/23/10 **Paper No.:** _____

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/709115 Patent No.: 7459413 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: _____

/Melvin C Mayes/ SPE 1732 10/20/10

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

In re Patent No. 7,732,822	:	
Issue Date: June 8, 2010	:	
Application No. 11/709,197	:	DECISION ON PETITION
Filed: February 22, 2007	:	
Attorney Docket No. 0465-1750PUS1	:	

This is a decision on the Petition Under 37 C.F.R. §1.183 To Correct Assignee Name and Request For Certificate Of Correction Pursuant 37 CFR 1.323, filed June 29, 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 (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to accept the omission of the second assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner urges 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.

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 (PTO/SB/44) submitted with 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 (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,732,822.

Cheryl Gibson-Baylor
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.
11/709,334	02/20/2007	Terry J. Smith	066742-0051	2354

41552 7590 04/19/2012
MCDERMOTT, WILL & EMERY LLP
600 13th Street, NW
Washington, DC 20005-3096

EXAMINER
ROONEY, NORA MAUREEN

ART UNIT	PAPER NUMBER
1644	

NOTIFICATION DATE	DELIVERY MODE
04/19/2012	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):

mweipdocket@mwe.com
SIP_Docket@mwe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

April 19, 2012

MCDERMOTT, WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

In re Application of	:	
Terry J. Smith et al.	:	**DECISION ON PETITION**
Application No. 11709334	:	
Filed: 2/20/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 066742-0051	:	***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) February 20, 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.

/Don Fairchild/
Office of Data Management
Publications Branch

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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MCCRACKEN & FRANK LLP
311 S. WACKER DRIVE
SUITE 2500
CHICAGO IL 60606

MAILED
APR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Theodore F. Cyman, Jr. et al.	:	
Application No. 11/709,428	:	DECISION GRANTING PETITION
Filed: February 21, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 27600/X138A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 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 March 9, 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 2854 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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ONOFRIO LAW
15 N. MILL STREET - SUITE 225
NYACK NY 10960

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Beer et al.	:	
Application No. 11/709,541	:	DECISION ON PETITION
Filed: February 21, 2007	:	
Attorney Docket No. ICH 310-US	:	

This is a decision on the petitions, filed January 18, 2011, under 37 CFR 1.181 requesting withdrawal of the holding of abandonment mailed December 17, 2010, under 37 CFR 1.137(a) to revive the above-identified application, and under 37 CFR 1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 3, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 3, 2010. Accordingly, the date of abandonment of this application is December 4, 2010. A Notice of Abandonment was mailed December 17, 2010.

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

Petitioner asserts the Notice of Abandonment mailed December 17, 2010 be withdrawn as petitioner failed to properly docket the response due.

A grantable petition to withdraw holding of abandonment under 37 CFR 1.181 based on evidence that a reply was timely filed or mailed requires: (1) a showing that a timely reply was placed in "Express Mail" in accordance with the procedures set forth in 37 CFR 1.10(c) through 1.10(e) and 1.10(g); or (2) a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. This petition lacks items (1) and (2) above.

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

Petitioner asserts that docketing error was the cause of delay in acting to prevent the application from becoming abandoned. A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that: (1) the error was the cause of the delay at issue; (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its

performance; (3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

Specifically, petitioner asserts that the delay occurred due to a docketing error which resulted from practitioner's failure to properly docket the response due.

An adequate showing requires statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts, as they know them. Petitioner must supply a thorough explanation of the docketing and call up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. This showing must include copies mail ledger, docket sheets, file wrappers and such other records as may exist which would substantiate an error in use of the firms docketing and invoicing system, and include an indication as to why the system failed in this instance to provide adequate notice that a reply was due. Petitioner must also supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

The USPTO must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and petitioner 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); California, supra. Specifically, petitioner's delay caused by the mistakes or omissions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133. See Haines v. Quigg, supra; 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).

As the docketing error was by the attorney, the delay cannot be considered to be unavoidable.

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

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

With respect to item (1) petitioner has not submitted the required petition fee of $1,620.00. Petitioner's credit card has been declined and the transaction not processed.

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

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

By 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 Joan Olszewski at (571) 272-7751.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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15 N. MILL STREET - SUITE 225
NYACK NY 10960

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Beer et al.	:	
Application No. 11/709,541	:	DECISION ON PETITION
Filed: February 21, 2007	:	
Attorney Docket No. ICH 310-US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 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 rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Petitioner has not submitted the required large entity petition fee of $1,620.00. Instead, petitioner has directed the required 37 CFR 1.137(a) petition fee of $540.00 (previously paid on January 18, 2011) to be applied towards the additional required fee of $1,620.00. However, each petition fee is required for the filing, not merely the grant, of a petition under 37 CFR 1.137. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, petitioner must properly submit the full $1620.00 petition fee as the required 37 CFR 1.137(b) petition fee.

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

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

By 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) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NYACK NY 10960

MAILED
OCT 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Beer et al.	:	
Application No. 11/709,541	:	DECISION ON PETITION
Filed: February 21, 2007	:	
Attorney Docket No. ICH 310-US	:	

This is a decision on the second renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 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 December 3, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 3, 2010. Accordingly, the date of abandonment of this application is December 6, 2010. A Notice of Abandonment was mailed December 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/
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
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KENNAMETAL INC.
Intellectual Property Department
P.O. BOX 231
1600 TECHNOLOGY WAY
LATROBE PA 15650

MAILED
JUN 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Arunkumar Shamrao Watwe et al.	:	
Application No. 11/709,558	:	DECISION ON PETITION
Filed: February 22, 2007	:	
Attorney Docket No. KG-2311	:	

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 **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, September 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 December 18, 2010. A Notice of Abandonment was mailed on March 25, 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 RCE (Request for Continued Examination, with the required fee of $810, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being 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 Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1784 for appropriate action by the Examiner in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Alan G. Towner
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

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PRO-TECHTOR INTERNATIONAL SERVICES
20775 NORADA CT.
SARATOGA, CA 95070

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Hung Ping Huang :
Application No. 11/709,608 : DECISION ON PETITION
Filed: July 17, 2004 :
Attorney Docket No. 19007103 :

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 respond to the Office action of April 30, 2009, which set a three (3) month shortened statutory period for reply. A reply was due on or before July 30, 2009.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on July 17, 2009 of, *inter alia,* an amendment and formal drawings. A copy of the previously submitted reply accompanies the petition.

The post card acknowledged as having been received in the USPTO on July 17, 2009 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby **withdrawn** and the application **restored to pending status**.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on July 17, 2009.

Telephone inquiries concerning this decision should be directed to April M. Wise 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 3657 for appropriate action in the normal course of business on the reply received with petition.

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

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Patent No. 8,124,737 :

Issue Date: February 28, 2012 :

Application No. 11/709,747 : ON PETITION

Filed: February 23, 2007 :

Attorney Docket No. **05552.1472**

This is a decision on the petition filed March 16, 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 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 Certificates 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

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

February 22, 2012

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

In re Application of	:	
PARK, YOON-DOHG et al	:	**DECISION ON PETITION**
Application No. 11/709.860	:	
Filed: 02/23/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 2557-000597/US	:	***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) February 23/ 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, (One (1) set for EFW 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 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 requirements above. 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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen, et al.
Application No. 11/709,904
Filed: February 20, 2007
Attorney Docket No. QQ1-0085US

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-17-11

TO SPE OF : ART UNIT 3672

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/709925 Patent No.: 7594554

CofC mailroom date: 08-10-11

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: _____

DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

3672

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
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GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON MA 02110

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of

BRIER, John J., Jr. et al.
Application No. 11/709,956
Filed: February 23, 2007
Attorney Docket No. **093362-010103**

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 **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: **GAMING SOLUTIONS INTERNATIONAL, LLC**
2360 BAYOU BOULEVARD
PENSACOLA, FLORIDA 32503

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	11709956
Filing Date	23-Feb-2007
First Named Inventor	John Brier
Art Unit	3688
Examiner Name	DARNELL POUNCIL
Attorney Docket Number	093362-010103
Title	Systems and methods for data mining and interactive presentation of same

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 35893

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(b)(c)(1)(vi)

Certifications

☒ 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

☒ 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

☒ 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	John J. Brier, Jr.
Address	2360 Bayou Boulevard
City	Pensacola
State	FL
Postal Code	32503

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Seth A. Milman, Reg. No. 64,573/
Name	Seth A. Milman
Registration Number	64573

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 : April 5,2011

In re Application of :

John Brier

Application No : 11709956

Filed : 23-Feb-2007

Attorney Docket No : 093362-010103

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 5,2011

The request is **APPROVED.**

The request was signed by Seth A. Milman (registration no. 64573) on behalf of all attorneys/agents associated with Customer Number 35893 . All attorneys/agents associated with Cusotmer Number 35893 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 correspondence address:

Name	John J. Brier, Jr.
Name2	
Address 1	2360 Bayou Boulevard
Address 2	
City	Pensacola
State	FL
Postal Code	32503
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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of
Solomon R. Titus
Application No. 11/710,025
Filed: February 23, 2007
Attorney Docket No.: 089339-0411

ON PETITION

This is a decision on the petition, filed August 25, 2010, 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 timely pay the issue fee and publication fee on or before July 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 29, 2010. A Notice of Abandonment was mailed on August 12, 2010. In response, August 25, 2010, the present petition was filed.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. However, in accordance with 37 CFR 1.34(a), the signature of Jose de la Rosa appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. . If Mr. de la Rosa 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. de la Rosa 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.

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) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management to be processed into a patent.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOSE DE LA ROSA
170 WOOD AVENUE SOUTH
ISELIN,NJ 08830

Newsome, Lamonte

From: Newsome, Lamonte
Sent: Tuesday, October 04, 2011 9:30 PM
To: Dorvil, Richemond
Subject: 11710098
Attachments: SPE's Reponse 9-19-11.doc

Please review the attached document.

Examiner/SPE:

- Read the request from the attorney/applicant dated ___9/27/11_____
  - Print out the IMIS and indicate your approval, approval in part (please indicate what is denied and what is approved), or denial of the request and sign
  - Send the IMIS for scanning under the code COCX
  - Send me an email indicating that you've sent the COCX and I will look for your decision.

Thank you, I'm looking forward to hearing from you.

Lamonte M. Newsome

Certificate of Corrections

571-272-3421 (Voice)

571-273-3421 (Fax)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/04/11

TO SPE OF : ART UNIT 2626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11710098 Patent No.: 7720673

CofC mailroom date: 09/27/11

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]

Note: __Should the changes be made?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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: _____

/Richemond Dorvil/ — **SPE**

2626 — **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

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Patent No. 7,736,688	:	
Issue Date: June 15, 2010	:	
Application No. 11/710,367	:	DECISION ON PETITION
Filed: February 23, 2007	:	
Attorney Docket No. 10722	:	

This is a decision on the Request For Certificate Of Correction Under 37 CFR 1.322 And 1.323, filed October 6, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to add the assignee's name and correct the inventors' information. 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 add the assignee's name on the previously submitted PTOL-85B. Also, correct the inventors' information removing their street addresses, which such errors was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the assignee's name and correct the inventor's information removing their street addresses 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 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 submitted with Petition.

Inquiries related this communication should be directed to 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. 7,736,688.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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EXXONMOBIL RESEARCH
AND ENGINEERING COMPANY
P. O. BOX 900
ANNANDALE NY 08801-0900

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of :
Poirier, et al. :
Application No. 11/710,374 : DECISION
Filed/Deposited: 23 February, 2007 :
Attorney Docket No. JJD-0706 :

This is a decision on the petition filed on 13 August, 2010, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

NOTES:

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The original statement of unintentional delay in the petition of 22 January, 2010, was proper and complete.

However, while the regulations at 37 C.F.R. §1.137(b)(3) require a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional," the statement appearing in the petition (the purpose of the petition is "to revive the application as having been abandoned due to unintentionally (sic) delay") varies from the language required by 37 C.F.R. §1.137(b)(3)

Therefore, the statement is being construed as the required statement. Petitioner ***must*** *notify the Office if this is* ***not*** *a correct reading of the statement appearing in the petition.*

Moreover, 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.[1] *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 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

The petition under 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. (It does not appear that a terminal disclaimer and fee are required here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 9 June, 2009, with reply due absent extension of time on or before 9 September, 2009.

On 9 September, 2009, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[2] if it did not *prima facie* place the application in condition for allowance, and on 28 October, 2009, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 9 September, 2009.

The Office mailed a Notice of Abandonment on 20 January, 2010.

---

[1] See 37 C.F.R. §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).

[2] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

On 22 January, 2010, Petitioner Gary F. Katz (Reg. No. 46099) filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, with a reply in the form of a second after-final amendment—which Petitioner, as one registered to practice before the Office, knew was not as of right and not a proper reply if it did not *prima facie* place the application in condition for allowance and which the Examiner indicated that she would not enter—and made a statement of unintentional delay. The petition was dismissed on 1 July, 2010.

On 13 August, 2010, Petitioner Abraham Hershkovitz (Reg. No. 45,294) re-advanced the petition pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, 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 original statement of unintentional delay as set forth in the petition of 22 January, 2010, was proper and complete.

However, while the regulations at 37 C.F.R. §1.137(b)(3) require a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional," the statement appearing in the petition (the purpose of the petition is "to revive the application as having been abandoned due to unintentionally (sic) delay") varies from the language required by 37 C.F.R. §1.137(b)(3)

Therefore, the statement is being construed as the required statement. Petitioner ***must*** *notify the Office if this is* ***not*** *a correct reading of the statement appearing in the petition.*

Moreover, 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.[3] *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 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

[3] See 37 C.F.R. §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).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

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).[5]
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.[6]))

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.

---

[4] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[5] 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.

[6] 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.

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 1797 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. §1.2[7]) 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

[7] 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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AND ENGINEERING COMPANY
PO BOX 900
ANNADAL, NJ 08801-0900

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
William H. Buck, et al.	:	
Application No. 11/710,376	:	DECISION GRANTING PETITION
Filed: February 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. JJD-0708	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 19, 2001, 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 April 13, 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. Richard D. Jordan 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. Jordan 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.

[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.*

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 1771 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ExxonMobil Research and Engineering
Company
P. O. Box 900
Annandale NJ 08801-0900

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Buck et al.	:	
Application No. 11/710376	:	
Filing or 371(c) Date: 02/23/2007	:	ON PETITION
Attorney Docket Number:	:	
JJD-0708	:	

This is a decision on the Petition Under 37 CFR 1.137(b), filed December 5, 2011, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed April 27, 2011. 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 complete and proper reply having been received, the application became abandoned on July 28, 2011.

Applicant files the present petition and 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.

This application is being referred to Technology Center Art Unit 1771 for processing of the Amendment filed with the petition in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date February 28, 2012

In re Application of Michael Norton

Application No. 11710388

Filed: 23-Feb-2007

Attorney Docket No. 2007 PAT 239 (A

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), February 28, 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 aresponse; (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.

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

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	11710388
Filing Date	23-Feb-2007
First Named Inventor	Michael Norton
Attorney Docket Number	2007 PAT 239 (AXCS-0001)
Title	Apparatus and method for minimally invasive surgery

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	/Charles W. Gaines/
Name	Charles W. Gaines
Registration Number	36804

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

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): 11710422	Patent Number (if applicable):
First Named Inventor: HAYASHI	Title of Invention: PERFORMANCE MONITORING METHOD AND SYSTEM FOR A SINGLE SHAFT COMBINED CYCLE PLANT

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

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:

   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.

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:

   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 *sua sponte* 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: 571-273-6500.

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):
   a. The maintenance fee payment was required to have been paid after March 10, 2011.
   b. 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)).
   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
   e. 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).
   f. 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).
   g. 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:
   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
   b. 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.
   c. 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.
   d. 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 /Gene W. Stockman/	Date 2011-05-16
Name (Print/Typed) Gene W. Stockman	Practitioner Registration Number 21,021

***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*.*

☐ *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.

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

MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Yoshiharu Hayashi	:	
Application No. 11/710,422	:	DECISION ON PETITION
Filed: February 26, 2007	:	
Attorney Docket No. POL-5723	:	

This is a decision on the request filed May 16, 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 January 5, 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 3741 for re-mailing the Office action of January 5, 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

MAILED
MAY 20 2011
OFFICE OF PETITIONS

LANGLOTZ PATENT & TRADEMARK WORKS, INC.
PO BOX 96503 #37585
WASHINGTON DC 20090-6503

In re Application of	:	
Mitchell T. Mittelstaedt	:	
Application No. 11/710,463	:	DECISION ON PETITION
Filed: February 22, 2007	:	
Attorney Docket No. **HOR-7**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 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 July 09, 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 August 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, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay. Accordingly, the reply the restriction requirement of July 09, 2010 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 Technology Center AU 3641 for appropriate action on the concurrently filed election.

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

MCKENNA LONG & ALDRIDGE LLP
SONG K. JUNG
1900 K STREET, N.W.
WASHINGTON, DC 20006

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Jong Ho Lee, et al.	:	
Application No.: 11/710,574	:	ON PETITION
Filed: February 26, 2007	:	
Attorney Docket No.: 7981.021.00	:	

This is a decision on the petition, filed January 14, 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 21, 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 3744 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.*

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.
11/710,610	02/26/2007	David P. Kanios	041457-0841	3697

22428 7590 03/30/2011
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
KASSA, TIGABU

ART UNIT	PAPER NUMBER
1619	

MAIL DATE	DELIVERY MODE
03/30/2011	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
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MAR 3 0 2011

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

: PETITION DECISION

In re Application of:
Kanios et al.
Serial No.: 11/710,610
Filed: February 26, 2007
Attorney Docket No.: **041457-0841**

This is in response to the petition under 37 CFR § 1.181, filed March 16, 2011, requesting that withdrawal of premature finality or restarting of a response period.

It is noted that applicants filed this petition under 37 CFR § 1.181 on March 2, 2011 requesting relief from the finality of the Office action mailed September 2, 2010. This petition was not filed within two months from the mailing of the final Office action and is thus untimely.

BACKGROUND

On March 5, 2009, the examiner mailed a restriction requirement.

On June 9, 2009, the examiner mailed a non-final Office action setting a three month statutory limit for reply. At the time of this Office action, claims 1-24 were pending and were rejected. . Claim 23 was rejected under 35 USC 112, second paragraph, as indefinite. Claims 1-12 and 14-24 were rejected under 35 USC 102(b) as being anticipated by Li. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Li as applied to claims 1-12 and 14-24 above and further in view of Klokkers et al. The requirement for restriction of March 5, 2009 was also withdrawn.

On September 10, 2009, applicants filed arguments traversing the examiner's rejections instituted in the non-final Office action of June 9, 2009.

On February 18, 2010, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this Office action, claims 1-24 were rejected. Claims 1-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mantelle et al. in view of Quan et al

and Tan et al. as evidenced by Hanatani et al. The examiner indicated that applicants' amendment necessitated the new grounds of rejection.

On August 17, 2010, applicants submitted an amendment after final and a Declaration under 1.132.

On August 17, 2010, applicants submitted a Notice of Appeal.

On March 16, 2011, applicants submitted the petition under consideration herein.

On March 16, 2011, applicants submitted a Request for Continued examination.

On March 16, 2011, applicants submitted the petition under consideration herein.

DISCUSSION

The petition and the file history have been carefully considered.

Applicants argue the following :

"In accordance with MPEP § 1002, MPEP §§ 706-707 and 37 CFR § 1.181, Applicants respectfully request withdrawal of the finality of the Office Action mailed February 18, 2010, and replacement with a non-final Office Action, because the finality was premature.

In the alternative, Applicants respectfully request that the period for responding to the Office Action mailed February 18, 2010, or the period for filing an Appeal Brief pursuant to the Notice of Appeal filed August 17, 2010, be restarted in view of the Patent Office's extraordinary delay in responding to Applicants' response filed August 17, 2010.

In order to maintain pendency of the application, Applicants are filing herewith a Request for Continued Examination (RCE). Should any ground of relief requested in this petition be granted, Applicants respectfully urge that the RCE be disregarded and that the RCE fee be refunded.

Applicants request further that the Patent Office award PTO delay under the Patent Term Adjustment statutes and regulations for the time period from four months after Applicants' response filed August 17, 2010."

Applicants' arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicants should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months. With respect to any

PTO delay, petitions of this nature are decided in the Office of Petitions. However, they are only decided **after an application is allowed**. In the instant case, an RCE has been filed and the application has not been allowed rendering the PTA issue "moot". With respect to the RCE issue, the RCE was processed since the petition was untimely and applicant requested such (application is still pending and applicant is not penalized). It should be noted that the "alternative" language set forth in the petition regarding not processing the RCE if the applicant was given the time requested is an improper alternative solution. The applicant, not the USPTO, controls what happens in their application. If, at the time the RCE was filed it was timely and was a proper response that could be filed in the application, then the RCE is proper and should be processed. The determination of whether the request for more time should have been given has nothing to do with the RCE being filed.

DECISION

The petition is **DISMISSED AS UNTIMELY**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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.

Remy Yucel
Director, Technology Center 1600

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.
11/710,710	02/26/2007	Igor Ivonin	MLSE 1057-2/P00268	6639

7590 03/14/2011
HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

EXAMINER
PARIHAR, SUCHIN

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
03/14/2011	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

FORM PTOM327-5 (Rev. 02/08)

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

March 14, 2011

HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY CA 94019

re Application of
IVONIN, IGOR, ET. AL
Application No: **11/710710**
Filed: **02/26/2007**
Attorney Docket No: **MLSE 1057-2/P00268**

: 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) February 26, 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 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/26/11

TO SPE OF : ART UNIT 2892

SUBJECT : Request for Certificate of Correction for Appl. No.: 11710752 Patent No.: 7589409

CofC mailroom date: 01/13/11

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

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.

XApproved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: No new matter has been introduced nor has the scope or meaning of the claims been changed.

/Thao X. Le/ SPE

2892 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

BRUCE L. ADAMS, ESQ.
SUITE 1231
17 BATTERY PLACE
NEW YORK NY 10004

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of

DOBY WILSON,
Application No. 11/710,802
Filed: February 26, 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 December 23, 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 Bruce Adams on behalf of all attorneys of record who are associated.
Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Minnell Doby Wilson 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: **MINNELL E. DOLBY WILSON**
501 MULBERRY COURT
EAST STROUDSBURG PA 18301

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
AUG 11 2011
OFFICE OF PETITIONS

MINNELL E. DOLBY WILSON
501 MULBERRY COURT
EAST STROUDSBURG, PA 18301

In re Application of	:	
Minnelle E. Doby Wilson	:	
Application No. 11/710,802	:	DECISION ON PETITION
Filed: February 26, 2007	:	
Attorney Docket No.: None	:	

This is a decision in response to the communication, filed July 13, 2011, which is being treated as a petition to withdrawal the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

A review of the record discloses that a non-final Office action was mailed on August 3, 2010. In response, on November 1, 2010 an amendment was filed. On November 17, 2010, a change of correspondence address was filed; however, it is noted that Office records were not updated to reflect the change in the correspondence address. Consequently, on December 21, 2010 a Notice of Non-Compliant Amendment (Notice) was mailed to an incorrect address. The Notice set a period for reply of one (1) month. Since no response was filed, including an extension of time under 37 CFR 1.136(a), the application was held abandoned for a failure to respond to the non-final Office action of August 3, 2010. A Notice of Abandonment was subsequently mailed on June 22, 2011.

On July 13, 2011, the present petition was filed. Petitioner argues, in effect, that the abandonment should be withdrawn since the Notice of December 21, 2010 was not received.

The review of the written record confirms that petitioner is correct, as the Notice of December 21, 2010 was mailed to an incorrect address. Accordingly, the Notice of Abandonment mailed June 22, 2011 is hereby vacated and the holding of abandonment withdrawn.

The application is being referred to the Technology Center technical support staff of Art Unit 3751 for re-mailing the Notice of Non-Compliant Amendment of December 21, 2010. The period for reply will run from the mailing date of the Office communication.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04-5-2012

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/710985 Patent No.: 7863284

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 (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Reply A/S/A/P. Attorney wants to know the status

Eva James

Certificates of Correction Branch

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1624

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

MAILED
AUG 23 2011
OFFICE OF PETITIONS

Jonathan P. O'Brien, Ph.D.
Honigman Miller Schwartz and
Cohn LLP
350 East Michigan Avenue
Suite 300
Kalamazoo MI 49007

In re Application of :
Connelly et al. :
Application No. 11/711,213 :
Filed: February 27 2007 :
Attorney Dkt. No. 223306/05-177 :
US/120469 :
For: CO-CRYSTALS AND :
PHARMACEUTICAL COMPOSITIONS :
COMPRISING THE SAME :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed July 26, 2011. Applicants request that the determination of patent term adjustment be corrected from four hundred twenty-three (423) days to eight hundred forty-nine (849) days. 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**.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

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 fee[1].

---

[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.

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 matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
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.
11/711,284	02/27/2007	Peter H. Bartels	5.003CIP	7224

57931 7590 10/27/2010
ANTONIO R. DURANDO
6902 N. TABLE MOUNTAIN ROAD
TUCSON, AZ 85718-1331

EXAMINER
TABATABAI, ABOLFAZL

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
10/27/2010	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):

TDURANDO@COMCAST.NET

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 25, 2010

ANTONIO R. DURANDO
6902 N. TABLE MOUNTAIN ROAD
TUCSON AZ 85718-1331

In re Application of	:	
Peter H. Bartels	:	**DECISION ON PETITION**
Application No. 11711284	:	
Filed: 02/27/2007	:	
Attorney Docket No. **5.003CIP**	:	

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) February 27, 2007.

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 EFW 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 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 did not meet the following requirement(s). 1 ☐ 2 ☑ 3 ☐

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.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch

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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MAILED
SEP 29 2011
OFFICE OF PETITIONS

Paper No.

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

In re Application of	:	
Dutta et al.	:	
Application No. 11/711,355	:	DECISION ON PETITION
Filed: February 27, 2007	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.137(B)
318995.01	:	
Title: PLUGGABLE MODEL	:	
ELEMENTS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 9, 2011, to revive the above-identified application.[1]

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed January 3, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 4, 2011. A notice of abandonment was mailed on July 7, 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);

1 Petitioner has asserted that this application was filed on September 17, 2007. This appears to be a typographical error.

(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.

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

With this petition, Petitioner has submitted an amendment, the petition fee, and a statement that is being construed as the proper statement of unintentional delay. 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.[2]

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 amendment that was received on August 9, 2011 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.**

2 See Rule 1.137(d).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Brown et al.	:	
Application No. 11/711356	:	DECISION
Filing or 371(c) Date: 02/27/2007	:	ON PETITION
Patent No.: 7791348	:	
Issue Date: 09/07/2010	:	
Attorney Docket Number: C382.12-0217	:	

This is a decision on the "Petition Under 37 C.F.R. § 1.183," filed May 7, 2010, 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 properly treated as a petition under 37 CFR 3.81(b)[1].

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 INTERSTATE BATTERY SYSTEM OF AMERICA, INC., as an 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.

The Certificate of Correction fee, $100.00, has been charged to Petitioner's deposit account.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Brown et al.	:	
Application No. 11/711356	:	
Filing or 371(c) Date: 02/27/2007	:	ON PETITION
Pat. Num.: 7791348	:	
Issue Date: 09/07/2010	:	
Attorney Docket Number: C382.12-0217	:	

This is a notice regarding 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.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/711,367	02/27/2007	Glenn R. Bowers	S07-03KG212421	5750

7590 12/28/2010

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater, IA 50244

EXAMINER
KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/28/2010	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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 2 8 2010

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of:
Bowers et al
Serial No.: 11/711,367
Filed: February 27, 2007
Attorney Docket No.: **S07-03KG212421**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 8, 2008, 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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

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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INNOVATION DIVISION
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

MAILED
SEP 29 2010
OFFICE OF PETITIONS

In re Application of	:	
Fisher et al.	:	
Application No. 11/711,374	:	ON PETITION
Filed: February 27, 2007	:	
Attorney Docket No. 06-8069-C1	:	

This is a decision on the petition, filed August 20, 2010, 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 timely respond to the Office action of June 18, 2009, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before July 18, 2009. A Notice of Abandonment was mailed December 28, 2009.

Petitioner states that a timely reply was electronically submitted on December 18, 2009, which included the following papers: 1) Response to Election/Restriction Filed, 2) Extension of Time, 3) Claims and 4) Amendment/Req. Reconsideration-After-Non-Final Reject. Petitioner has submitted a copy of the USPTO Electronic Acknowledgement Receipt, which confirms receipt of the above-listed items on December 18, 2009.

As the above-response was filed with a five (5) month extension of time, the reply was timely filed. A review of the application confirms timely receipt of the response.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of June 18, 2009 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3711 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/711,391	02/27/2007	John R. Wilson	055665-0125	7536

27433 7590 07/22/2011
FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60654-5313

EXAMINER
TIETJEN, MARINA ANNETTE

ART UNIT	PAPER NUMBER
3753	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO IL 60654-5313

In re Application of	:	
WILSON, JOHN R.	:	DECISION ON PETITION
Appl. No.: 11/711,391	:	UNDER 37 CFR 1.59
Attorney's Docket No. 055665-0125	:	
Filed: Feb. 27, 2007	:	
For: DUAL FLUSH ACTIVATION	:	
	:	
	:	

This is a decision on the petition filed on June 8, 2011 by which petitioner requests that certain material be expunged from the application. The petition is being considered pursuant to 37 CFR 1.59 and MPEP § 724.06.

The petition is granted.

Petitioner requests that documents listed on the Information Disclosure Statement under M.P.E.P. § 724 filed on June 8, 2011 be expunged from the record. On June 23, 2011, a notice of allowance was mailed. The information in question also has been determined by the undersigned to not be material to the examination of the instant application. The proprietary information disclosure statement filed on June 8, 2011 is now removed from the official file. The material will remain in the artifact folder sealed from the public.

Applicant is required to retain the expunged material(s) for the life on any patent which issues on the above-identified application.

Any questions regarding this petition decision should be directed to Henry Yuen, Technology Center, Special Programs Examiner at 571 – 272-4856.

Petition is **granted**.

Angie D. Sykes, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/24/10 **Paper No.:** ——

TO SPE OF : ART UNIT 1781

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/711395 Patent No.: 7354261 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: _____

KEITH D. HENDRICKS
SUPERVISORY PATENT EXAMINER 1781

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 16 2011

OFFICE OF PETITIONS

Mr. Frank L. Kubler
13261 S.W. 54th Court
Miramar, Florida 33027

In re Application of	:	
Michael A. KATULKA	:	DECISION GRANTING PETITION
Application No. 11/711,565	:	UNDER 37 CFR 1.137(b)
Filed: 27 February 2007	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 13 January 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 26 September 2008 ("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 thus became abandoned on 27 December 2008, with notification mailed 22 April 2009.

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 petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of $810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

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

The application file will be referred to Technology Center Art Unit 3617 for further action on the filed Response.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	("6959841").PN.	USPAT; USOCR	OR	OFF	2009/08/18 09:40
S2	0	("("20020179461" | "4089432" | "5060791" | "5088627" | "5307953" | "5814110" | "6435341" | "6443307" | "6564934"). PN."). PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/05/08 17:30
S3	20	("20020179461" | "4089432" | "5060791" | "5088627" | "5307953" | "5814110" | "6435341" | "6443307" | "6564934"). PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/08 17:31
S4	1	6959841B2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/10 10:22
S5	17	"4569442"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/05/10 12:18

EAST Search History (Interference)

<This search history is empty>

12/2/2010 3:02:53 PM
H:\ dispensing closure for a liquid container.wsp

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/711,639	02/28/2007	Tadayoshi Nakayama	040302-0640	7088

22428 7590 04/07/2011
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
PATEL, KIRAN B

ART UNIT	PAPER NUMBER
3612	

MAIL DATE	DELIVERY MODE
04/07/2011	PAPER

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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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APR - 7 2011

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

In re Application of NAKAYAMA, TADAYOSHI	:	
Appl. No.: 11/711,639	:	DECISION ON PETITON
Filed: February 28, 2007	:	FOR SUPERVISORY
For: ENGAGING AND FIXING STRUCTURE AND	:	REVIEW UNDER
ENGAGING AND FIXING METHOD	:	*37 CFR 1.181*
	:	
	:	
	:	

This is a decision on the petition filed September 2, 2010 for supervisory review of an examiner's action under 37 CFR 1.181 to request the withdrawal of the drawing objections for the above-captioned application.

The petition is **Granted**.

A review of the record indicates that in the final Office action, mailed March 2, 2010, the examiner objected to the drawings under 37 CFR 1.83(a) for failing to show all the claimed limitations of elected claims 1-3.

After a thorough review of the specification, claims and drawings of the present application, it is agreed that all the claimed limitations are properly shown in the drawings.

Therefore, the objection to the drawings under 37 CFR 1.83(a) is hereby withdrawn.

This application will be forwarded to the examiner of record in order to respond to the appeal brief filed on September 2, 2010.

Telephone inquiries regarding this decision should be directed to D. Glenn Dayoan, Supervisory Patent Examiner for Art Unit 3612, at (571) 272-6659. Telephone inquiries regarding the status of the claims and other examination related issues should be directed to the examiner of record, Kiran Patel, at (571) 272-6665.

David L. Talbott
Director, Technology Center 3600
571-272-5150

DGD: 3/23/2011

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/10/11

TO SPE OF : ART UNIT 3693

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/711,698 Patent No. 7,895,118

CofC mailroom date 5/2/11

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

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.

X Approved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

/James Kramer/ 3693
SPE **Art Unit**

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

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of
Bijan Tadayon, et al.
Application No. 11/711,735
Filed: February 28, 2007
Attorney Docket No. 111325-200200

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 10, 2010.

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, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office. Petitioner should also note that the oath/declaration filed in this application does not contain any information concerning the address of the applicants listed.

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). Since the statement filed 37 CFR 3.73(b) does not include a proper application number and filing date the statement is considered improper.

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

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

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Bijan TADAYON, et *al.*	:	
Application No. 11/711,735	:	DECISION ON REQUEST FOR
Filed: February 28, 2007	:	REVOCATION OF POWER
Attorney Docket No. **111325-200200**	:	OF ATTORNEY
	:	

CORRETED DECISION

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed October 8, 2010.

The request is **APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

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) 272-7253.

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

cc: **REED SMITH LLP**
P.O. BOX 488
PITTSBURGH, PA 15230

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 : May 13,2011

In re Application of :

Takafumi Naka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11711765

Filed : 28-Feb-2007

Attorney Docket No : 131538

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 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 3765 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11711765
Filing Date	28-Feb-2007
First Named Inventor	Takafumi Naka
Art Unit	3765
Examiner Name	ISMAEL IZAGUIRRE
Attorney Docket Number	131538
Title	SEWING MACHINE CAPABLE OF EMBROIDERY SEWING

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	/Brian K. Kauffman/
Name	Brian K. Kauffman
Registration Number	63199

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of :
Foust, et al. : DECISION ON PETITION
Application No. 11/711,797 :
Filed: February 27, 2007 :
Atty. Dkt. No.: KPS-8979 :

This decision is in response to the petition under 37 CFR 1.137(b), filed January 25, 2011.

The petition is **GRANTED**.

The application became abandoned November 6, 2009 for failure to timely submit a proper reply to the non-final Office action mailed August 5, 2009. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed February 18, 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 instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3765 for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application :
Hynecek :
Application No. 11/711,821 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: February 28, 2007 :
Dkt. No.: 21571US01 :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed February 29, 2012.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 476 days, not 438 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant contests the adjustment of 98 days accorded in connection with the mailing of the non-final Office action on October 22, 2010. Applicant argues that the application is entitled to an adjustment of 136 days, beginning on June 9, 2010, the date that a Notice of Appeal was filed, and ending October 22, 2010, the date that the non-final Office action was mailed. Applicant references the 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).

Applicant's arguments have been considered, but are not persuasive. The relief requested is not supported by current rules and regulations. In view thereof, no change to the patent term adjustment will be made.

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, applicant is 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 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).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e).

Telephone inquiries specific to this decision 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

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United States Patent and Trademark Office
P.O. Box 1450
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APR 14 2011
OFFICE OF PETITIONS

Jonathan P. O'Brien, Ph.D.
Honigman Miller Schwartz and Cohn LLP
350 East Michigan Avenue
Suite 300
Kalamazoo MI 49007

In re Application of	:	
Cottrell et al.	:	
Application No. 11/711845	:	ON REQUEST FOR
Filing or 371(c) Date: 02/27/2007	:	RECONSIDERATION OF
Atty Docket No.:	:	PATENT TERM ADJUSTMENT
223306/05-115US CP/120461	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b), filed March 29, 2011. Applicant believes that the correct Patent Term Adjustment is 547 days, not 47 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 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 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : **11/29/10**

TO SPE OF : ART UNIT **2477 SHAH CHIRAG G (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/711984** Patent No.: **7813337**

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 (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
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: _____

CHIRAG G. SHAH
SUPERVISORY PATENT EXAMINER

SPE

2477
Art Unit

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

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Application of :
Nicholas Wilkins :
Application No. 11/711,994 : DECISION ON PETITION
Filed: February 28, 2007
Attorney Docket No. BHD-2075-76

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 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 an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action mailed February 19, 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 Technology Center AU 3776 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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December 20, 2011

MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO CA 94306

In re Application of	:	
Chang Hu et al.	:	**DECISION ON PETITION**
Application No. 11712025	:	
Filed: 02/28/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **046601-5221US**	:	***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) February 28, 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.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Tabatha D. Cain
307 N. Weatherly St.
Bennettsville SC 29512

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of
Cain
Application No. 11/712,141
Filed: February 28, 2007
For: WHISKLER

DECISION ON PETITION

This is a decision on the petition filed under 37 CFR 1.137(a) on December 5, 2011 and supplemented on January 9, 2012 in the above-identified application.

The petition is **dismissed**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $310.

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.

Petitioner's attention is also 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.

Petitioner needs to present a hand signature or an S- signature as well as a typed or printed name. An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature made by electronic or

mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1).

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.

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

Where appropriate, correspondence may also be filed via the electronic filing system (EFS).

Any questions concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

Cc: Tabitha D. Cain
731 Craig Circle
Bennettsville, SC 29512

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P.O. Box 1450
Alexandria, VA 22313-1450
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GRAHAM MOREHEAD
26 HARRISON AVE.
ORONO ME 04473

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Graham A. MOREHEAD	:	
Application No. 11/712,142	:	DECISION ON PETITION
Filed: February 28, 2007	:	
Attorney Docket No.	:	

This is a decision on the renewed petition, filed July 08, 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**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed September 11, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 12, 2009.

Petitioner asserts that the Holding of Abandonment is in error because the notice of allowance did not require that corrected drawings be submitted.

A review of the Office records show's that a Supplemental Notice of Allowability was mailed on July 06, 2010 indicating that corrected drawings are **not** required.

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

This application is being referred to the Office of Data Management.

Thurman K. Page
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : **10/18/10**

TO SPE OF : ART UNIT **3775 WOODALL NICHOLAS W**

SUBJECT : **Request for Certificate of Correction for Appl. No.: 11/712241 Patent No.:7632274**

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 (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Please check the changes in COLUMN 21 & 22
Should they be made?

Thank you for your Assistance

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593

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 changes to the claims correct grammatical errors and do not change the scope of the claims.

/Thomas C Barrett/ Digitally signed by /Thomas C Barrett/ DN: cn=/Thomas C Barrett/, c=US, ou=SPE AU 3775 Date: 2010.11.07 11:41:27 -05'00'

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

MAILED
NOV 05 2010
OFFICE OF PETITIONS

Ryan Kromholz & Manion, S.C.
Post Office Box 26618
Milwaukee, WI 53226

In re Application of	:	
Gregory P. Smiltneek et al.	:	
Application No. 11/712,268	:	DECISION ON PETITION
Filed: February 28, 2007	:	TO WITHDRAW
Attorney Docket No. 9735.19904-PROV FOR	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 27, 2010.

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 John M. Manion and all attorneys/agents of record has been revoked by the assignee of the patent application on August 19, 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Law Offices of Michael L. Wise, LLC
260 Walsh Road
Lagrangeville, NY 12540

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 15 2011
OFFICE OF PETITIONS

OWEN SIORDIA
1540 ARCADE BLVD
SACRAMENTO CA 95815

In re Application of	:	
Siordia	:	
Application No. 11/712,335	:	DECISION ON PETITION
Filed: February 28, 2007	:	
For: Ice Keeper	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on March 19, 2010. The Notice continued the time period set in the original Notice of Non-Compliant Amendment mailed on January 4, 2010 which set an extendable one-month reply period of February 4, 2010. An untimely reply without an extension of time and sufficient fees was submitted on April 2, 2010. A Notice of Abandonment was mailed on August 30, 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 $810.00, 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 3781 for appropriate action by the Examiner in the normal course of business on the reply received

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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LAW OFFICEOF PAUL W. FULBRIGHT, PLLC
2003 JJ PEARCE DRIVE
RICHARSON TX 75081-5447

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
April H. Klein	:	
Application No. 11/712,343	:	DECISION ON PETITION
Filed: February 28, 2007	:	
Attorney Docket No. 00162.0001	:	

This is a decision on the petition, filed February 26, 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 29, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 29, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on September 14, 2010, which included the following papers: Amendment and Response to Office Action (11 pages), Postcard Acknowledgment (1 postcard); and the Certificate of Mail (1 page). Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated September 14, 2010, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or

after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of June 29, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on September 14, 2010.

This application is being referred to Technology Center AU 3677 for appropriate action in the normal course of business on the reply received with petition.

/KOC/
Karen Creasy
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.
11/712,360	02/28/2007	Mukesh Kumar	5490-000533	8956

27572 7590 03/04/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
SHARMA, YASHITA

ART UNIT	PAPER NUMBER
3774	

MAIL DATE	DELIVERY MODE
03/04/2011	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
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of:
KUMAR, MUKESH et al
Serial No.: 11/712,360
Filed: July 14, 2006
Docket: B79.12-0006
Title: RE-SEALABLE CAN MECHANISM

DECISION ON PETITION

This is a decision on the petition filed on February 22, 2011 seeking withdrawal of the finality of the Office action mailed December 20, 2010. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is granted.

In the petition, petitioner argues that the new ground of rejection in the Final Office action of December 20, 2010 was not necessitated by any amendment nor was necessitated by any IDS statement.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the Office action of December 20, 2010 is hereby withdrawn. As such, the Office action mailed on December 20, 2010 will be designated as a non-final Office action. The period to respond to the Office action of December 20, 2010 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment. Petitioner's request to withdraw the finality of the Office action dated December 20, 2010 is granted.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3774 awaiting a response to the outstanding Office action mailed December 20, 2010. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, the petition is granted.

Angela D. Sykes

Angela D. Sykes, Director
Technology Center 3700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MODIANO & ASSOCIATI
VIA MERAVIGLI, 16
MILAN 20123 IT ITALY

MAILED
AUG 17 2010
OFFICE OF PETITIONS

In re Application of :
Mazzo :
Application No. 11/712,510 :
Filed: 1 March, 2007 :
Attorney Docket No: 43437/AJ/Ip :

DECISION

This is a decision on the petition filed on 18 June, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

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

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

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

It appears that Petitioner has not satisfied the reply and statement/showing requirements pursuant to the regulations at 37 C.F.R. §1.137(b).

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the final Office action mailed on 7 February, 2008, with reply due absent extension of time on or before 7 May, 2008.

The application went abandoned by operation of law after midnight 7 May, 2008.

The Office mailed the Notice of Abandonment on 15 September, 2008.

On 18 June, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, an amendment after final, which the Examiner has as of this writing not allowed to be entered and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and made a statement of unintentional delay, however, despite the extended period of time following abandonment Petitioner has failed to make a showing of the nature of the delay in support of the statement of unintentional delay.

At this writing the reply and statement/showing requirements under the Rule have not been satisfied.

*These deficiencies **must** be overcome on any renewed petition.*

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.[2]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

---

[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

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 not been satisfied.

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) is **dismissed**.

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

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

By 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.**

---

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, 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.))

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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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ALLEN, DYER, DOPPELT,
MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER
255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

MAILED
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OFFICE OF PETITIONS

In re Application of :
Mazzo :
Application No. 11/712,510 : DECISION
Filed: 1 March, 2007 :
Attorney Docket No: 43437/AJ/Ip :

This is a decision on the petition filed on 18 October, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

The revocation/power of attorney filed on 18 June, 2010, but which could not be entered at the time due to technical problems, is acknowledged and entered.

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.[1] *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 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

[1] See 37 C.F.R. §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).

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:

The Applicant failed to reply timely and properly to the final Office action mailed on 7 February, 2008, with reply due absent extension of time on or before 7 May, 2008.

The application went abandoned by operation of law after midnight 7 May, 2008.

The Office mailed the Notice of Abandonment on 15 September, 2008.

On 18 June, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, an amendment after final, which the Examiner has as of this writing not allowed to be entered and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[2] if it did not *prima facie* place the application in condition for allowance, and made a statement of unintentional delay, however, despite the extended period of time following abandonment Petitioner has failed to make a showing of the nature of the delay in support of the statement of unintentional delay. The petition was dismissed on 17 August, 2010.

On 18 October, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, 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 the previously filed amendment, and there is a statement of unintentional delay—notably, Petitioner Paul J. Ditmyer (Reg. No. 40,455) states that there is a declaration by the Inventor as to the delay, however, there appears to have been no such statement filed contemporaneously with the petition and Petitioner has filed a terminal disclaimer for reasons that are not evident of record—the terminal disclaimer fee is refunded *via* credit card. Moreover, Petitioner makes no statement/showing of his own independent investigation to satisfy himself as to the unintentional nature of the delay.

[2] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

Thus, 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.[3] *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 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

The record (including the petitions filed on 18 June, 2010, and 18 October, 2010) does not necessitate a finding that the delay between midnight 7 May, 2008 (the date of abandonment), and 18 October, 2010 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner and his Counsel Paul J. Ditmyer (Reg. No. 40,455) when accepting Petitioners' representation that the delay in filing the response was unintentional.[4]

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.[5]

---

[3] See 37 C.F.R. §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).

[4] 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 the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

[5] 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).

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).[6] 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.[7])

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**.

The instant application is released to the Technology Center/AU 3754 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.

---

[6] 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.

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) 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

[8] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/712,531	02/28/2007	Ruizheng Wang	93196	7843

7590 07/08/2011
Carestream Health, Inc.
ATTN: Patent Legal Staff
150 Verona Street
Rochester, NY 14608

EXAMINER
WARD, PAUL V

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
07/08/2011	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

FORM PTOM327-5 (Rev. 02/08)

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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July 7, 2011

Carestream Health, Inc.
ATTN: Patent Legal Staff
150 Verona Street
Rochester NY 14608

Re Application of
WANG, RUIZHENG, ET Al
Application: **11/712531**
Filed: **02/28/2007**
Attorney Docket No: **93196**

: 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) July 22, 2009.

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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Jacob Eisenberg
c/o TomTom
Rembrandplein 35
Amsterdam 1017 CT
NETHERLANDS

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of
Meyer et al.
Application No. 11/712,602
Filed: March 1, 2007
Attorney Docket No. 185/US/19

DECISION ON PETITION

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 above-identified application became abandoned for failure to timely file a reply to a restriction requirement mailed February 24, 2009. The Office Action set a one (1) month shortened statutory period for reply. No timely extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on March 25, 2009. A Notice of Abandonment was mailed on September 16, 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 reply to the restriction requirement (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

The power of attorney and change of address submitted on petition will not be entered as the request has not been executed by the appropriate party. An executed declaration was filed on July 23, 2007, as such the correspondence address cannot be changed by a patent practitioner acting under 37 CFR 1.34. Further, as neither attorney Hoyt nor attorney Daley have power of attorney in the instant application; the new power of attorney will not be entered. See 37 CFR 1.33. In addition, when acting under 37 CFR 1.34, the patent practitioner must set forth his or her registration number, his or her **name** and signature. See MPEP 402. A courtesy copy of this decision will be mailed to the address provided on the petition, however all future correspondence will be directed to the 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 Technology Center AU 3663 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Harness Dickey & Pierce
P.O. Box 8910
Reston, VA 20195

UNITED STATES PATENT AND TRADEMARK OFFICE

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FLASTER/GREENBERG P.C.
FOUR PENN CENTER
1600 JOHN F. KENNEDY BOULEVARD
2ND FLOOR
PHILADELPHIA, PA 19103

MAILED
APR 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Barry C. Arkles	:	
Application No. 11/712,625	:	ON PETITION
Filed: March 1, 2007	:	
Attorney Docket No. G0625-81U1	:	

This is a decision on the petition filed March 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 submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed November 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 1, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management for further processing.

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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Date Mailed : February 2, 2011
Patent No. : 7,840,191 B2
Ser. No. :11/712682
Issued :November 23, 2010
Inventor(s) Jyoti Mondal
Title BALUNS FOR MULTIPLE BAND OPERATION

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 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(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

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Patent No. 7,840,191	:	
Issue Date: November 23, 2010	:	
Application No. 11/712,682	:	ON PETITION
Filed: March 1, 2007	:	
Attorney Docket No. 12668-23 (SC134958C)	:	

This is a decision on the REQUEST UNDER 37 C.F.R. §3.81(b) filed March 16, 2011, which is being treated as a petition 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 renewed petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "Freescale Semiconductor, Inc., Austin, TX (US)."

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 [emphasis added]. *See also* MPEP 1481.01.

Consistent with the issue fee transmittal filed October 15, 2010, which left the assignee information blank, no assignee data appeared on the issued patent. Further, no assignment to Freescale Semiconductor, Inc. was of record in the Office as of the date of issuance of the patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/712,695	03/01/2007	Takashi Sasabayashi	3408.70098D1	8070

7590 02/15/2011

Patrick G. Burns, Esq.
Greer, Burns & Crain, Ltd.
Suite 2500
300 S. Wacker Drive
Chicago, IL 60606

EXAMINER
NGUYEN, THINH T

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
02/15/2011	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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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February 14, 2011

Patrick G. Burns, Esq.
Greer, Burns & Crain, Ltd.
Suite 2500
300 S. Wacker Drive
Chicago IL 60606

re Application of	
SASABAYASHI, TAJASGU, ET AL.	: **DECISION ON PETITION**
Application No: **11/712695**	: **ACCEPTANCE OF COLOR**
Filed: **03/01/2007**	: **DRAWINGS**
Attorney Docket No: **3408.70098D1**	:

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) March 01, 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 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

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BINDU RAMA RAO
21 HENLEY DRIVE
LAGUANA NIGEL CA 92677

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Bindu Rama Rao	:	
Application No. 11/712,811	:	ON PETITION
Filed: February 28, 2007	:	
Attorney Docket No. BRR2006US01-U1	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 24, 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 March 30, 2009. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on July 1, 2009.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed an Amendment.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63,

103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Group Art Unit 3622 for consideration of the Amendment, filed August 24, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Ronald H. Spuhler
500 W. Madison Street
Suite 3400
Chicago, IL 60661

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.
11/712,861	03/01/2007	Frank S. Maggio	066-0016	8505

67413 7590 09/02/2010
PRASS LLP
2661 Riva Road
Bldg. 1000, Suite 1044
ANNAPOLIS, MD 21401

EXAMINER
LE, NANCY LOAN T

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
09/02/2010	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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SEP - 2 2010

Prass LLP
2661 Riva Road
Bldg. 1000, Suite 1044
Annapolis, MD 21401

In re Application of: Frank Maggio	: DECISION ON THE PETITION
Appl. No. 11/712,861	: REGARDING REQUEST TO
Filed: March 1, 2007	: RECLASSIFY AND TRANSFER
For: METHOD FOR SOLICITING	: APPLICATION
AND RECEIVING VOTER FEEDBACK	:

Applicant's petition filed under 37 CFR 1.182, on November 4, 2009 to request a reclassify and transfer of this application to another Art Unit that the applicant believes the application properly belongs. This petition, dealing with the classification of an application, is treated as a petition for supervisory review under 37 CFR 1.181.

This petition is **DENIED**.

Applicant's petition sets forth, in the Background section, his experience with an earlier filed application that had ultimately matured into a patent. Despite the issuance of his prior application into a patent, applicant felt that there was a philosophy held by the examiner handling the case to avoid issuing patents. Applicant goes on to say that during the subsequent examination of several of his other applications he has come to the conclusion that many Art Units in the Business Methods area actively try to avoid issuing patents based upon his belief of their low allowance rate. Applicant further alleges that device oriented applications have been improperly classified in Business Methods Art Units. Applicant requests that the instant application be transferred from Art Unit 3692 (it currently assigned to Art Unit 3621) to Art Unit 2612 or 2423. Applicant believes that the subject-matter of this application, being device oriented media ratings technology, is more properly examinable in TC 2600 or TC2400.

Initially, it is unclear what "device oriented" is actually defined as, but it is noted that all 45 claims of applicant's application are method claims. It appears that applicant uses the term "device oriented" to reference one of the categories of the claimed subject matter: article claim. The classification and assignment of an application is governed by MPEP 903.08(e) which states that "*An application will be assigned as follows:*
(A) The assignment of nonprovisional applications follows, as far as possible, the rules or principles governing the classification of patents. Applications are generally assigned on the basis of where the application would have an original classification, if the claims it contains were in a patent."

While applications may be classified in multiple related classes/subclasses, the Original classification is determined by the following factors:

1) Hierarchy of categories of subject matter (e.g. method of using claims determine classification over article claims).

2) Superiority of types of subject matter (e.g. chemical subject matter controls over electrical subject matter).

3) Class superiority. All classes in the U.S. Classification system are assigned a relative superiority. This listing of all classes arranged by their relative superiority can be found on the USPTO website on the Classification Home Page under the link entitled "Classes Within the US Classification System Arranged by Related Subjects."

Based on the criteria above, the current Original classification of class 705 and subclass 12 is deemed to be appropriate. Applicant's arguments regarding the suggested classification have been considered but are not deemed to be persuasive. Furthermore, misclassified applications do occasionally occur and transfers between SPEs to the correct Art Unit take place prior to any examination on the merits taking place. However, this does not mean that an applicant be allowed to "cherry- pick" which area of the Office an application should be classified or assigned in order to maximize the odds for allowance based upon a perceived bias for or against allowance in any particular areas. As a result, applicant's request to transfer this application to class 340 in Art Unit 2612 or 2423 is **DENIED**.

It is further noted that applicant has filed this petition even though there is currently an Attorney of record in this case. The-Office will not engage in Dual Correspondence with an applicant and a patent practitioner. Accordingly, applicant is required to conduct all future correspondence with this Office through the attorney of record. In response to applicant's request to transfer two other applications 11/683,939 and 11/657,384, this request is denied as each application must be examined on its own merits so a petition must be filed for each application.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Andrew Fischer at (571) 272-6779.

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

ajf/lm: 8/27/2010

LM

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.
11/712,869	02/28/2007	Peter S. Brown	CZ-005.C3	8513

7590 09/10/2010
Shirley L. Church, Esq.
P.O. Box 81146
San Diego, CA 92138

EXAMINER
SMITH, RUTH S

ART UNIT	PAPER NUMBER
3737	

MAIL DATE	DELIVERY MODE
09/10/2010	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Shirley L. Church, Esq.
P.O. Box 81146
San Diego CA 92138

In re Application of: BROWN, PETER S. et al Serial No.: 11/712,869 Filed: Feb. 28, 2007 Docket: CZ-005.C3 Title: APPARATUS AND METHOD FOR INDUCING VIBRATIONS IN A LIVING BODY	DECISION ON PETITION TO ENTER AMENDMENT AFTER FINAL

This is a decision on the petition filed on August 24, 2010 to enter the Declaration under 37 CFR § 1.132 filed on July 6, 2010 after the final Office action issued on March 23, 2010. The petition is filed under 37 CFR § 1.181. No fee is required.

The petition is dismissed.

In the petition, the applicant requests a review of the examiner's refusal to enter the 37 CFR § 1.132 Declaration (Rule 132 Affidavit) filed on July 6, 2010 after the final rejection which was mailed on March 23, 2010. In the advisory action of July 26, 2010, the examiner refused to enter the Rule 132 Affidavit filed after final Office action because the applicant failed to provide a showing of good and sufficient reasons why the Rule 132 Affidavit was necessary and not presented prior to the final Office action of March 23, 2010.

The record shows that:

On each of the Office actions, namely, the non-final action of June 8, 2007, the final rejection of May 15, 2008, the Examiner's Answer of November 18, 2008, the non-final action September 9, 2009 and the recent final refection of March 23, 2010, the examiner has rejected claims 1, 3-22, 24-32, 39, 41-47 under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The examiner also rejected claims 1, 3-22, 24-32, 39, 41-47 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The issues regarding 35 USC § 101 and 112, *inter alia*, remain unchanged

since the first non-final Office action of June 8, 2007. After the final rejection mailed of March 23, 2010, on July 6, 2010, the applicant submitted a Rule 132 Affidavit under 37 CFR 1.116 with two supporting documents, to wit, Basics of Biomedical Ultrasound for Engineers and Coronary Angioplasty, in an attempt to overcome the rejections of claims under 35 USC § 101 and § 112. In particular, the affiant attempted to show there is patentable utility for the claimed invention at the time the application was filed as supported by the recent 2010 copyrighted documents. In the Advisory Action of July 26, 2010, the examiner admitted the Rule 116 amendment for appeal purpose but refused to enter the Rule 132 Affidavit because the applicant did not "provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented." On August 24, 2010, the present petition to request entry of the 37 CFR § 1.132 Declaration of July 6, 2010 after final Office action was filed. In the petition, petitioner argues that the Rule 132 Affidavit was submitted in an attempt to overcome the rejections of claims under 35 USC § 101 and § 112 (1st Paragraph). In the petition, petitioner argues that the supporting documents were copyrighted in 2010 and not available before the final rejection of March 23, 2010. Therefore, petitioner opines the Rule 132 Affidavit filed under 37 CFR § 1.116 simply cannot be presented any earlier. Thus, the Rule 312 Affidavit should be entered as evidence for appeal purpose.

Discussion and Analysis

In the petition, petitioner contends that the information contained in the 37 CFR §1.132 Affidavit could not have been presented prior to or earlier than the final Office action because the supporting documents were copyrighted in 2010 and not available before the final rejection of March 23, 2010. Therefore, the supporting documents filed with the Rule 132 Affidavit filed under 37 CFR § 1.116 cannot be presented any earlier. It is noted petitioner fails to provide exact publication dates of the two supporting documents. Petitioner's argument regarding 2010 copyright is insufficient to conclude that the publication dates of the two supporting documents were in fact published after the final rejection of March 23, 2010. Moreover, it is unclear whether the supporting documents would qualify as prior art under relevant sections of the 35 USC § 102 for the examiner to consider claim patentability. Under the circumstances, this line of the arguments regarding 2010 copyright and its availability after the final rejection of March 23, 2010 is not convincing. The requested relief can not be granted.

After a complete review of the file history, it appears that the applicant had ample opportunity to present information relevant to the issues of lack of utility and compliance of written description requirement at the time the application was filed. The Rule 312 Affidavit could have filed with other available supporting prior art references, patent or non-patent literatures to overcome the rejections of claims under 35 USC § 101 and 112 prior to the final rejection of March 23, 2010. Only after the most recent Office action of March 23, 2010, did the applicant decide to file a Rule 312 Affidavit. At this late stage of the prosecution, the examiner must conduct a detail review of the Rule 132 Affidavit of July 6, 2010 filed under 37 CFR § 1.116. Therefore, the examiner concluded that Rule 132 Affidavit of July 6, 2010 should not be entered on the ground that the applicant failed to provide a showing of good and sufficient reasons why the Rule 132 Affidavit was necessary and not presented prior to the final Office action of March 23, 2010. The requested relief can not be granted.

Conclusion

For the foregoing reasons, the relief requested by petitioners will not be granted. Specifically, the examiner's refusal admitting the Rule 132 Affidavit of July 6, 2010 after final is proper.

The application is being forwarded to Examiner Ruth Smith of Art Unit 3737 awaiting applicant's appeal brief. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136 (a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

PETITION DISMISSED.

Angela D. Sykes

Angela D. Sykes, Director
Technology Center 3700

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.
11/712,869	02/28/2007	Peter S. Brown	CZ-005.C3	8513

7590 09/30/2010

Shirley L. Church, Esq.
P.O. Box 81146
San Diego, CA 92138

EXAMINER
SMITH, RUTH S

ART UNIT	PAPER NUMBER
3737	

MAIL DATE	DELIVERY MODE
09/30/2010	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

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United States Patent and Trademark Office
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Shirley L. Church, Esq.
P.O. Box 81146
San Diego CA 92138

In re Application of: BROWN, PETER S. et al. Serial No. 11/712,869 Filed: Feb. 28, 2007 Docket: CZ-005.C3 Title: APPARATUS AND METHOD FOR INDUCING VIBRATIONS IN A LIVING BODY	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the renewed petition filed Sep. 14, 2010 under 37 CFR 1.181 requesting reconsideration of the previous dismissal decision mailed on Sep. 10, 20010. Petitioner also request supervisory review of the advisory action mailed July 26, 2010. In the petition, petitioner requests entry of the Rule 132 Declaration filed on July 6, 2010 under 37 CFR 1.116. The petition is being considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

The examiner was requested to enter the Rule 132 Declaration under 37 CFR § 1.116 filed on July 6, 2010 for appeal purpose because the Rule 132 Declaration was submitted in an attempt to overcome the rejections of claims under 35 USC § 101 and § 112 (1st Paragraph). In the petition, petitioner argues that the supporting articles were copyrighted in 2010 and not available before the final rejection of March 23, 2010. Therefore, petitioner asserts that the Rule 132 Declaration filed under 37 CFR § 1.116 simply cannot be presented earlier. Thus, the Rule 132 Declaration should be entered as evidence for appeal purposes.

In finding petitioner's points of argument persuasive, the requested relief is granted. The Rule 132 Declaration filed under 37 CFR § 1.116 on July 6, 2010 will be entered for appeal purposes. The period to file an appeal brief remains unchanged.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Angela D. Sykes

Angela D. Sykes, Director
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/712,871	03/01/2007	Jincong Zhuo	20443-0053001 / INCY0053-	1193

26161 7590 03/21/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
AULAKH, CHARANJIT

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
03/21/2011	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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MAR 2 1 2011

Juan Zheng
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:
Zhou et al	:Decision on Petition
Serial No.: 11/712,871	:
Filed : 1 March 2007	:
Attorney Docket No.: 20443-00530001/INCY0053-001	

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on 22 December 2010 requesting reconsideration of the lack of unity requirement mailed 10 March 2010.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration under US restriction rules.

On 10 March 2010, the examiner set forth a lack of unity requirement which divided claims 1-97 into eleven groups depending upon the core structure of a compound or group of compounds disclosed in the specification. The examiner did not group the claims. Instead the examiner required applicants to identify the claims which read upon the elected invention.

On 17 June 2010, applicants elected Group IX, with traverse and tentatively identified claims 1-24, 26, 28-39, 41-45 and 89 as being readable on the elected invention.

On 26 July 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered and the restriction requirement was made final. Claims 1-15, 23-26, 28, 29, 33-39, 46, 52, 53, 89 and 91-97 were objected to for containing non-elected subject matter.

Claims 16-22, 27, 30-32, 40-45, 47-51, 54-88 and 90 were withdrawn from consideration as being drawn to non-elected invention. No reasons were provided to explain why a subset of the elected claims (claims 16-22, 30-32, 41-45 and 54) were withdrawn from examination. Claims 92 and 94-96 were rejected under 35 U.S.C. 112, first paragraph for scope of enablement. Claims 92 and 94-95 were rejected under 35 U.S.C. 112 second paragraph for indefiniteness. All examined claims were rejected under 35 U.S.C. 102(e) as being anticipated by Berk.

On 22 December 2010, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history and petition have been considered carefully.

At the onset, it is noted that in the restriction requirement, all of the claims were placed in all of the groups. This is counter to MPEP 814:

> The examiner must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 U.S.C. 121. Geneva Pharms. Inc. v. GlaxoSmithKline PLC, 349 F.3d 1373, 1381, 68 USPQ2d 1865, 1871 (Fed. Cir. 2003). See also MPEP § 804.01.

Second, it is noted that the examiner has restricted the claims into groups based upon examples from the specification. This is not warranted. MPEP 806.01 requires the examiner to compare the claimed subject matter for restriction.

> In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence.

In the restriction requirement, the Examiner grouped the claims as follows for Group IX:

> IX. Claims In part 1-97, drawn to Compounds represented by common core of exemplified compounds of examples 45-52 (see specification), pharmaceutical compositions containing these compounds and methods of treatment using these compounds, classified in class 548, subclass 517.

Upon electing Group IX with traverse, applicants tentatively identified claims 1-24, 26, 28-39, 41-45 and 89 as being readable on the elected invention. However, in the first action on the merits, Claims 16-22, 27, 30-32, 40-45, 47-51, 54-88 and 90 were withdrawn from consideration

and not treated on the merits. This set included elected claims 16-22, 30-32, 41-45 and 54 withdrawn without explanation.

MPEP 821 provides the following guidance for examiners to follow when withdrawing claims from examination:

> All claims that the examiner holds as not being directed to the elected subject matter are withdrawn from further consideration by the examiner in accordance with 37 CFR 1.142(b). See MPEP § 821.01 through § 821.04. *The examiner should clearly set forth in the Office action the reasons why the claims withdrawn from consideration are not readable on the elected invention.* (Emphasis added)

The Office action mailed 26 July 2010 failed to provide reasons why claims withdrawn from examination are not readable on the elected invention.

It is noted that MPEP 806.01 permits the examiner make a provisional election of species where only generic claims are presented.

> However, a provisional election of a single species may be required where only generic claims are presented and the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary. See MPEP § 803.02 and § 808.01(a).

Here, instead of issuing an intraclaim restriction, the examiner should have required a provisional election of species amongst the alternatives encompassed by the Markush claims. Form Paragraph 8.02 should have been used to make this requirement. Claims that encompass the elected species [or group of patentably indistinct species] would then be examined according to the practice set forth in MPEP 803.02. If the elected species in those claims are free of the prior art, MPEP 803.02 requires extended examination of other embodiments. See;

> Following election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. If the Markush-type claim is not allowable, the provisional election will be given effect and examination will be limited to the Markush-type claim and claims to the elected species, with claims drawn to species patentably distinct from the elected species held withdrawn from further consideration.

Finally, it is noted that the examiner has made an objection to the unexamined subject matter recited in the alternative of claims. This was not warranted. Applicants have a right to retain non-elected embodiments recited in the alternative of a single claim.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 and 1.181 on 22 December 2010 is **GRANTED** follows.

The intraclaim restriction requirement made between Groups I-XI has been withdrawn and replaced with an election of species requirement. Applicant's election of compounds of examples 45-52 will continue to be examined.

The objection to Claims 1-15, 23-26, 28, 29, 33-39, 46, 52, 53, 89 and 91-97 for reciting non-elected subject matter has been withdrawn.

The application will be forwarded to the examiner to consider the papers filed 22 December 2010, and to prepare a supplemental Office action consistent with this petition decision. Markush claims are to be examined per MPEP 803.02.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

Remy Yucel
Director, Technology Center 1600

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

MAILED

AUG 2 0 2010

OFFICE OF PETITIONS

In re Application of:	:	
Nakamura et al.	:	
Pat. Num.: 7,672,211	:	
Issue Date: 03/02/2010	:	
Application No. 11/712,920	:	ON PETITION
Filing or 371(c) Date: 03/02/2007	:	
Atty. Docket No. 02860.1147	:	

This is a decision on the Petition for Replacement of Original Letters Patent Under 37 C.F.R. § 1.182, filed April 6, 2010.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Questions concerning this decision may be directed to the undersigned at 571-232-3232. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer, in the Office of Data Management at (703) 308-9250, Ext. 119.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

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

CC: Niomi Farmer
South Tower 8th floor, Room C-32 (FAX 571-270-9937)

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

MAILED

AUG 2 0 2010

OFFICE OF PETITIONS

In re Application of:	:	
Nakamura et al.	:	
Pat. Num.: 7,672,211	:	
Issue Date: 03/02/2010	:	
Application No. 11/712,920	:	ON PETITION
Filing or 371(c) Date: 03/02/2007	:	
Atty. Docket No. 02860.1147	:	

This is a decision on the Petition for Replacement of Original Letters Patent Under 37 C.F.R. § 1.182, filed April 6, 2010.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Questions concerning this decision may be directed to the undersigned at 571-232-3232. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer, in the Office of Data Management at (703) 308-9250, Ext. 119.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

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

CC: Niomi Farmer
South Tower 8th floor, Room C-32 (FAX 571-270-9937)

US007672211B2

(12) **United States Patent**
Nakamura et al.

(10) **Patent No.: US 7,672,211 B2**
(45) **Date of Patent: Mar. 2, 2010**

(54) **OPTICAL PICKUP APPARATUS, OBJECTIVE OPTICAL ELEMENT AND OPTICAL INFORMATION RECORDING REPRODUCING APPARATUS**

(75) Inventors: **Kentarou Nakamura**, Hachioji (JP); **Kohei Ota**, Hachioji (JP); **Nobuyoshi Mori**, Hachioji (JP); **Eiji Nomura**, Hachioji (JP)

(73) Assignee: **Konica Minolta Opto, Inc.**, Tokyo (JP)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 529 days.

(21) Appl. No.: **11/712,920**

(22) Filed: **Mar. 2, 2007**

(65) **Prior Publication Data**

US 2007/0211606 A1 Sep. 13, 2007

(30) **Foreign Application Priority Data**

Mar. 7, 2006	(JP)	2006-060968
Mar. 15, 2006	(JP)	2006-070701
Apr. 27, 2006	(JP)	2006-123471
Jun. 15, 2006	(JP)	2006-166148

(51) **Int. Cl.**
G11B 7/00 (2006.01)

(52) **U.S. Cl.** **369/112.12**; 369/112.13; 369/112.26

(58) **Field of Classification Search** ..... None
See application file for complete search history.

(56) **References Cited**

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2005/0237898	A1	10/2005	Kimura	
2008/0310284	A1 *	12/2008	Takada et al.	369/112.07

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European Search Report dated Mar. 31, 2009.

* cited by examiner

Primary Examiner—Paul Huber
(74) *Attorney, Agent, or Firm*—Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.

(57) **ABSTRACT**

An optical pickup apparatus according to the present invention includes: a first light source for emitting a first light flux; a second light source for emitting a second light flux; a third light source for emitting a third light flux; and an objective optical element. The objective optical element has an optical surface including at least two areas provided with optical path difference providing structures. The objective optical element converges the first to third light fluxes each passing through the predetermined areas on the objective optical element onto respective information recording surfaces of the first to third optical disks. In the optical pickup apparatus, the third light flux which has passed through an optical path difference providing structure forms a first best focus and a second best focus.

34 Claims, 14 Drawing Sheets

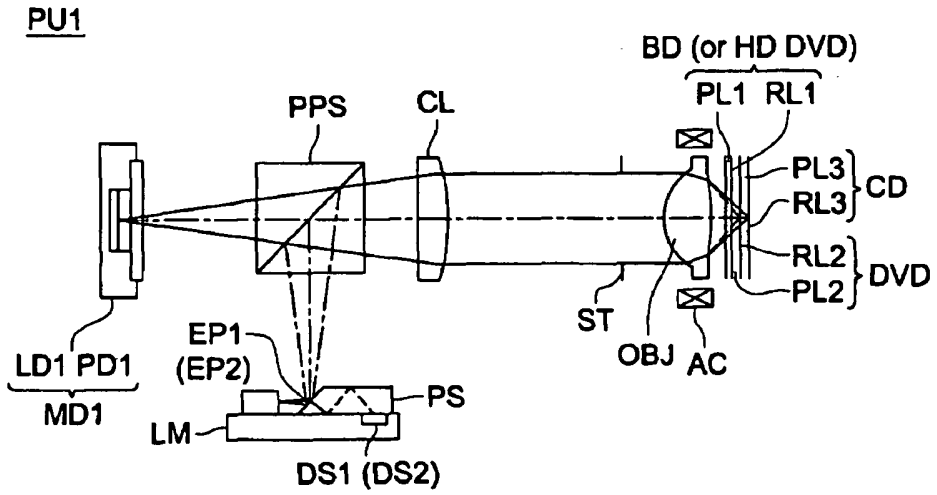


FIG. 1

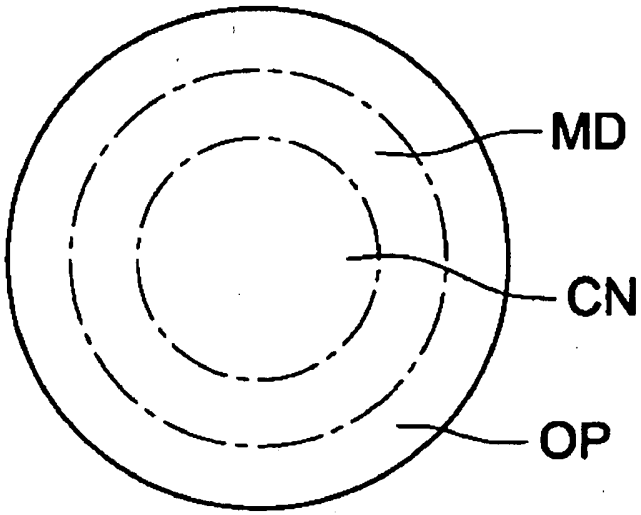


FIG. 2 (a)

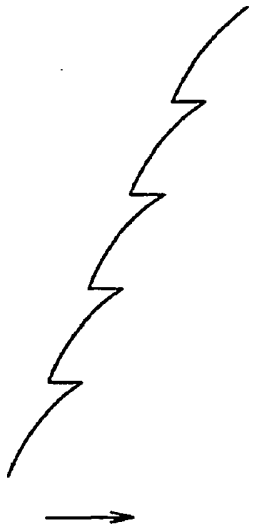


FIG. 2 (b)

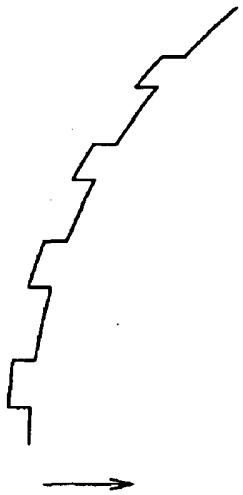


FIG. 2 (c)

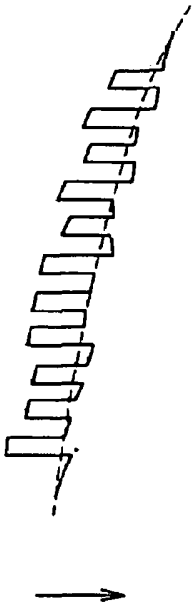


FIG. 2 (d)

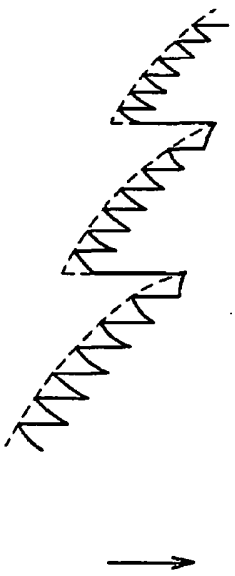
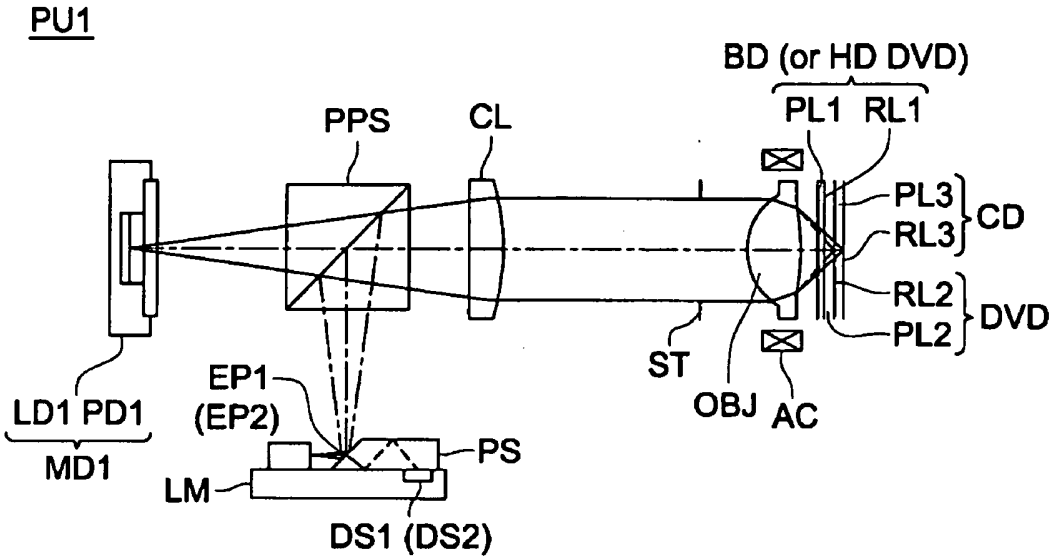


FIG. 3


PU1
BD (or HD DVD)
PL1 RL1
PPS
CL
PL3
RL3
CD
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PL2
DVD
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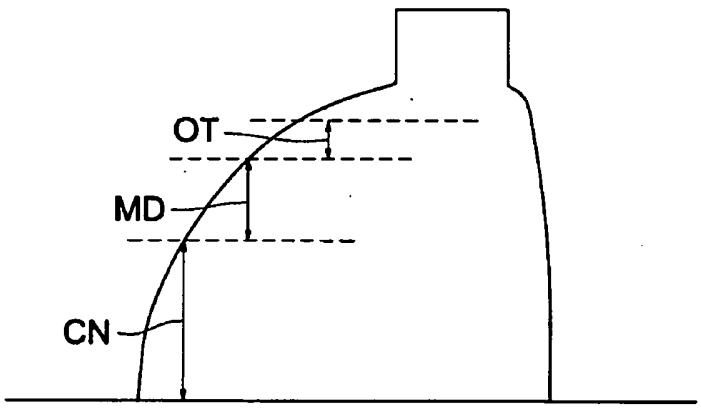
LD1 PD1
MD1
PS
LM
DS1 (DS2)

FIG. 4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MD
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FIG. 5 (a)

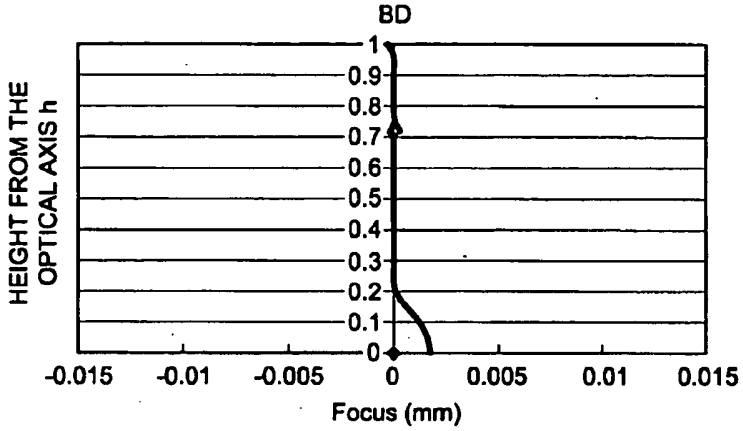


FIG. 5 (b)

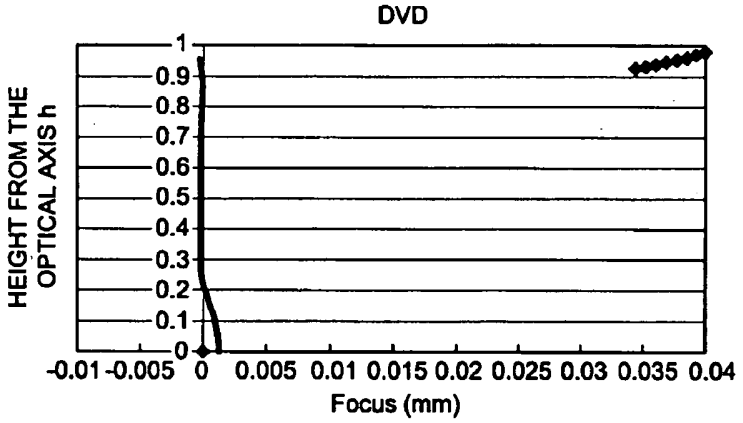


FIG. 5 (c)

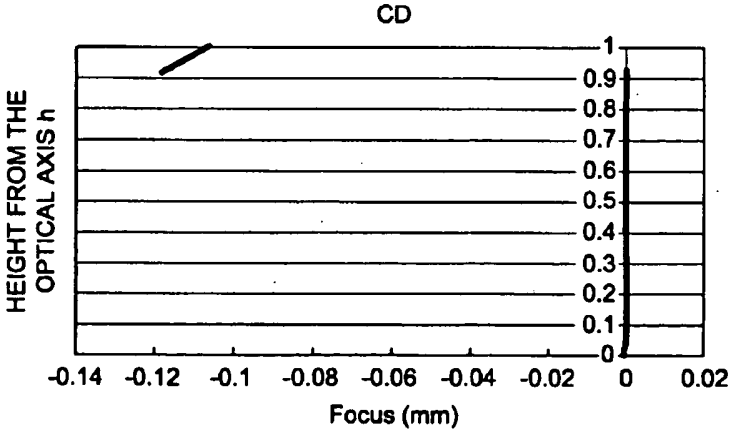


FIG. 6 (a)

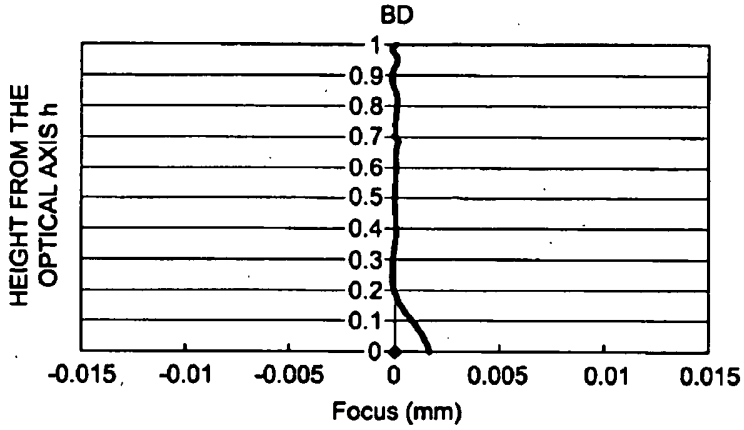


FIG. 6 (b)

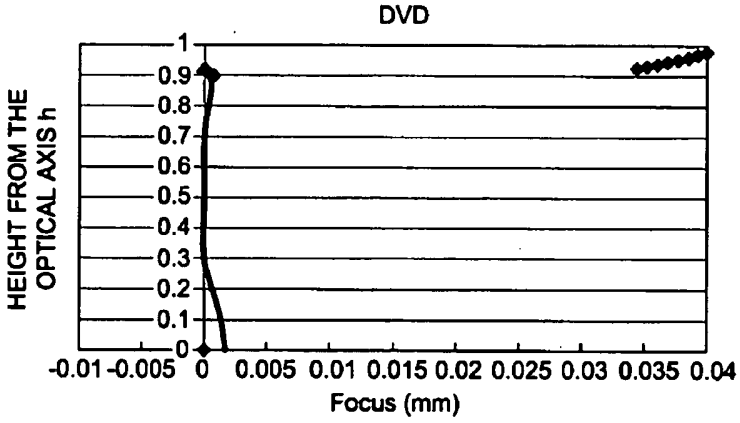


FIG. 6 (c)

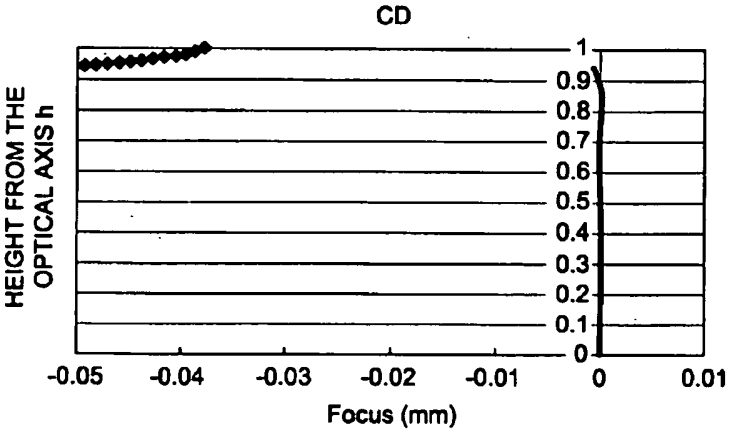


FIG. 7 (a)

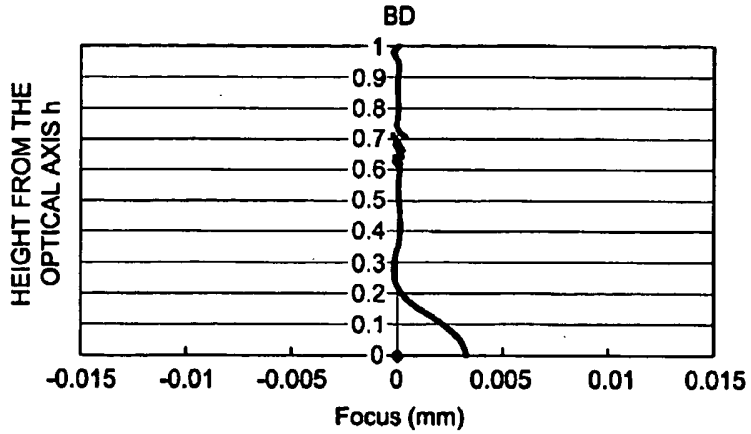


FIG. 7 (b)

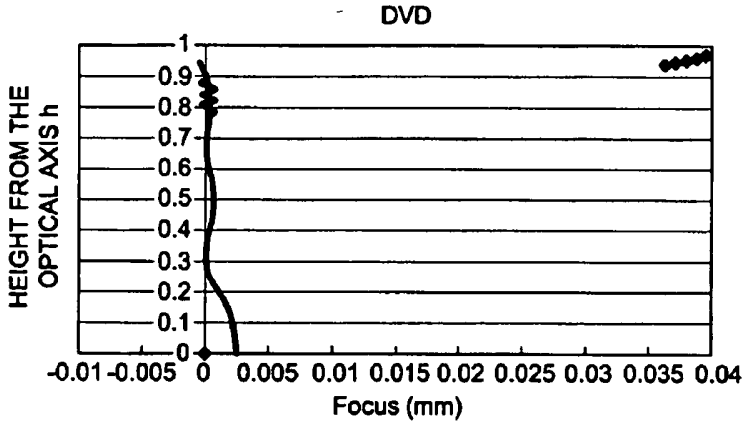


FIG. 7 (c)

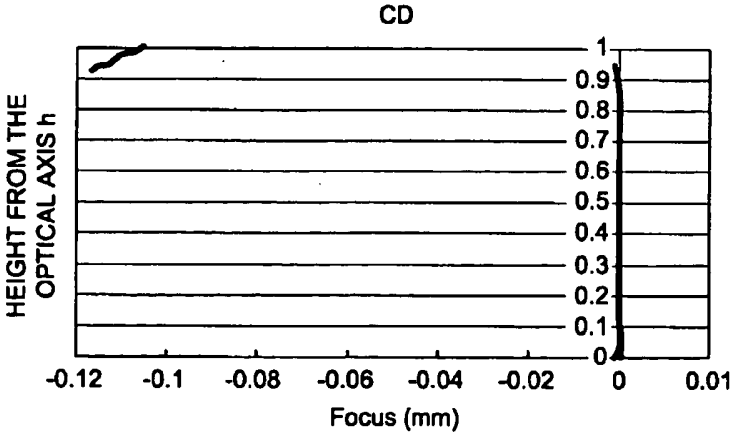
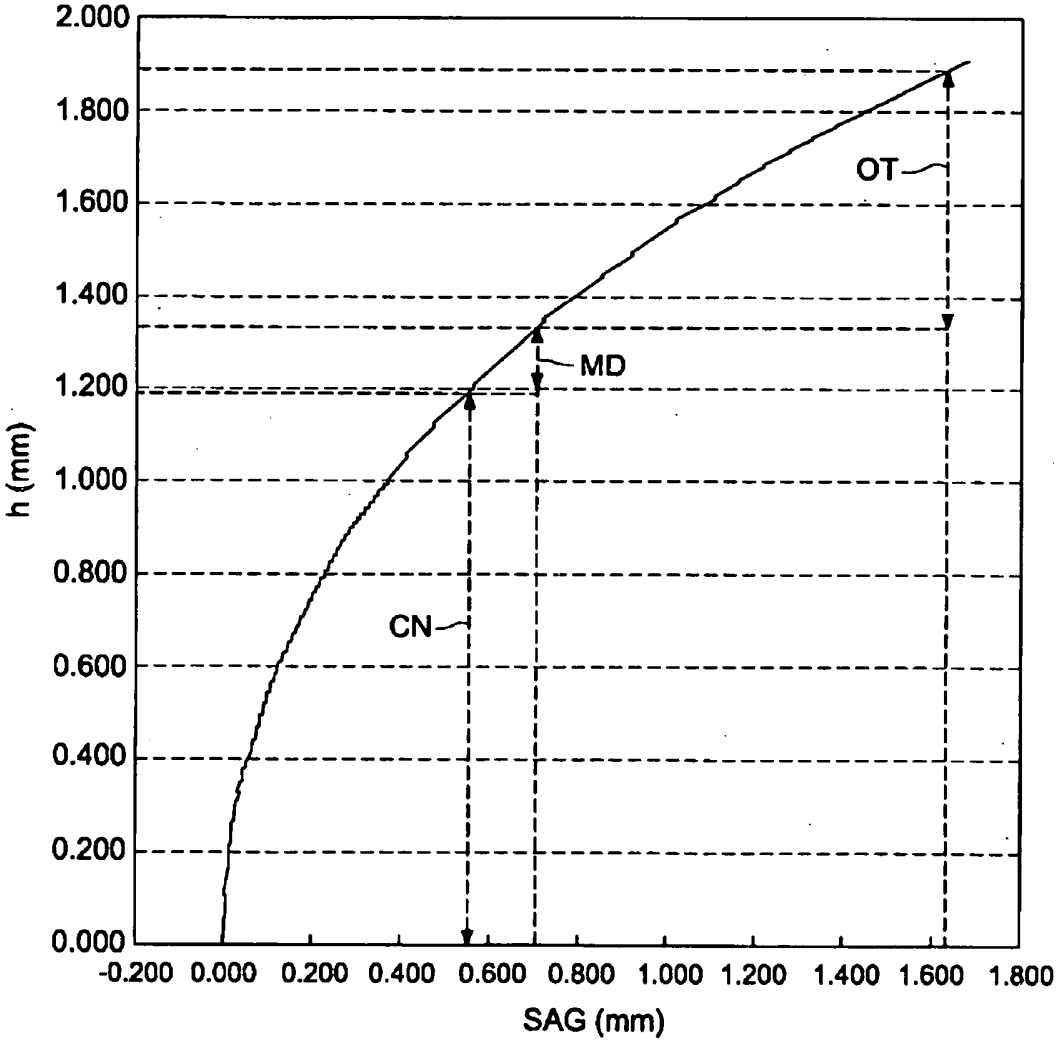


FIG. 8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0.400
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h (mm)
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0.000
0.200
0.400
0.600
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1.800
SAG (mm)
OT
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FIG. 9 (a)

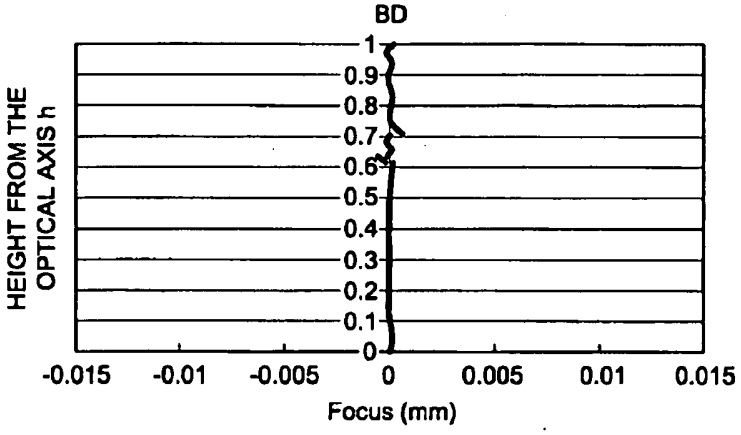

FIG. 9 (b)

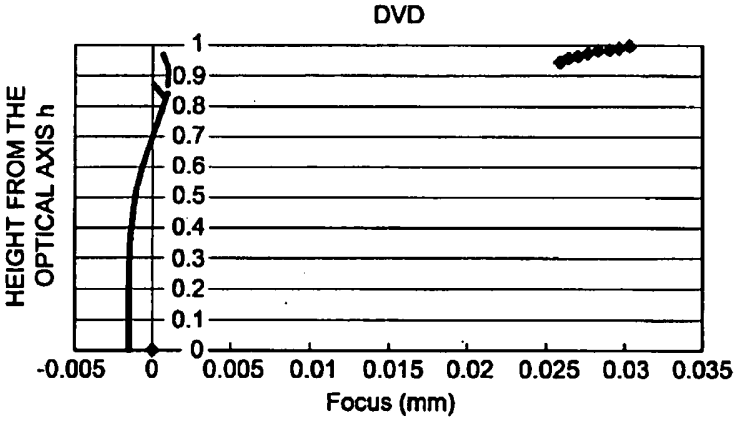

FIG. 9 (c)

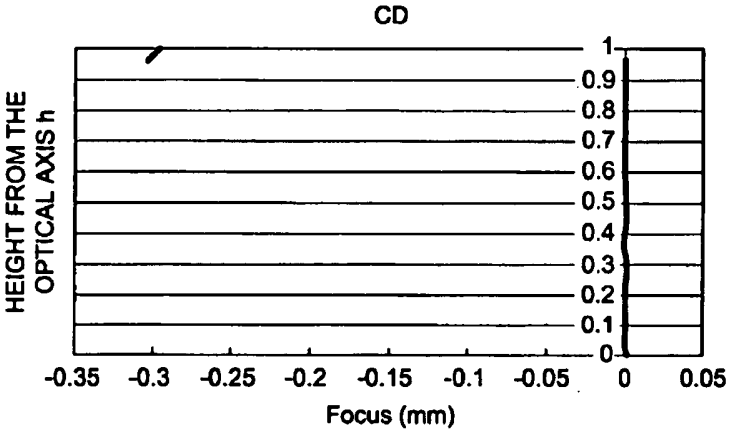

FIG. 10

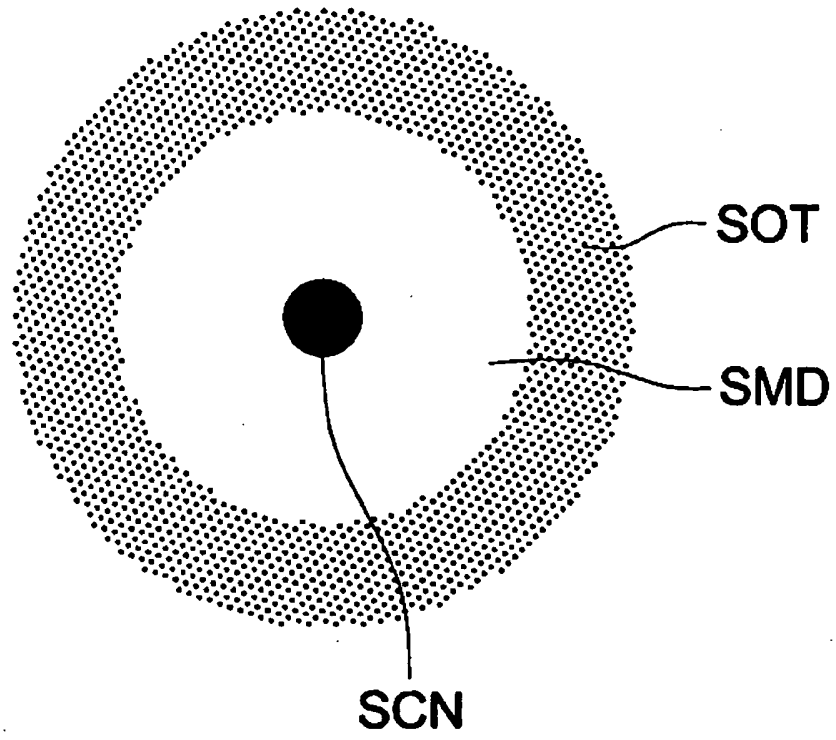

FIG. 11(a)

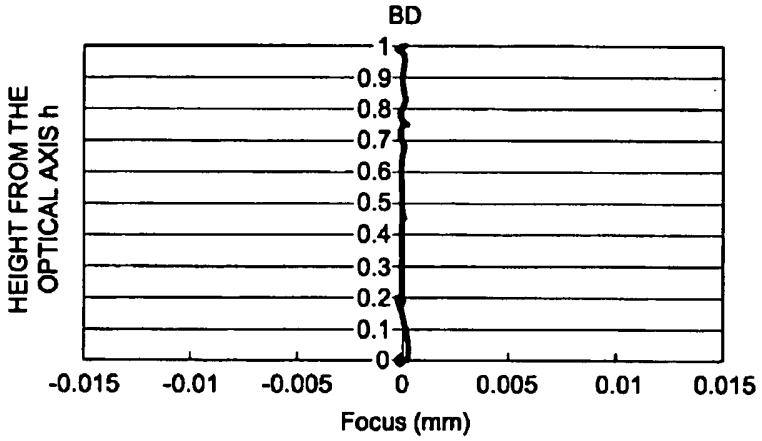

FIG. 11(b)

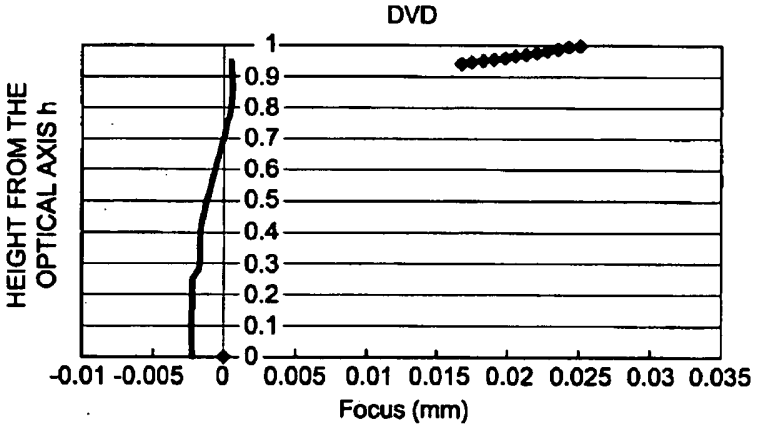

FIG. 11(c)

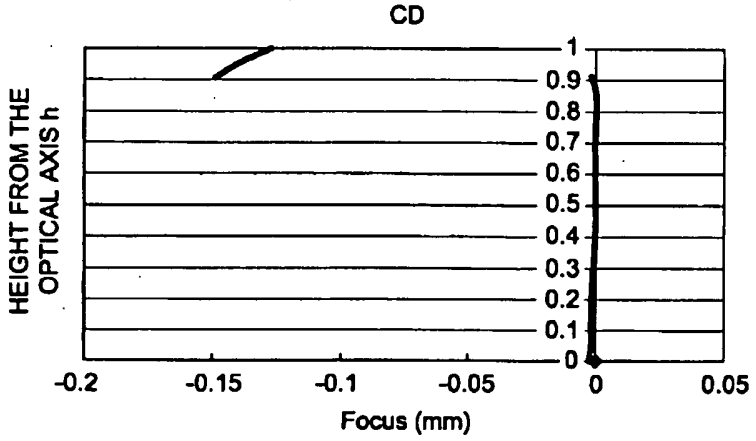

FIG. 12

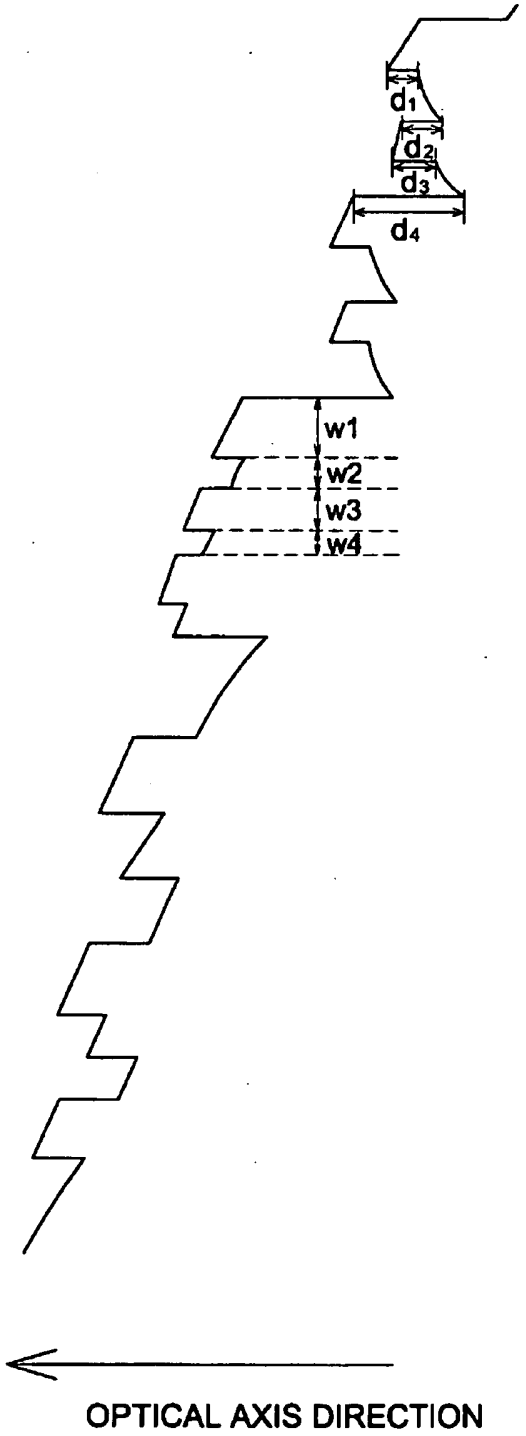

FIG. 13

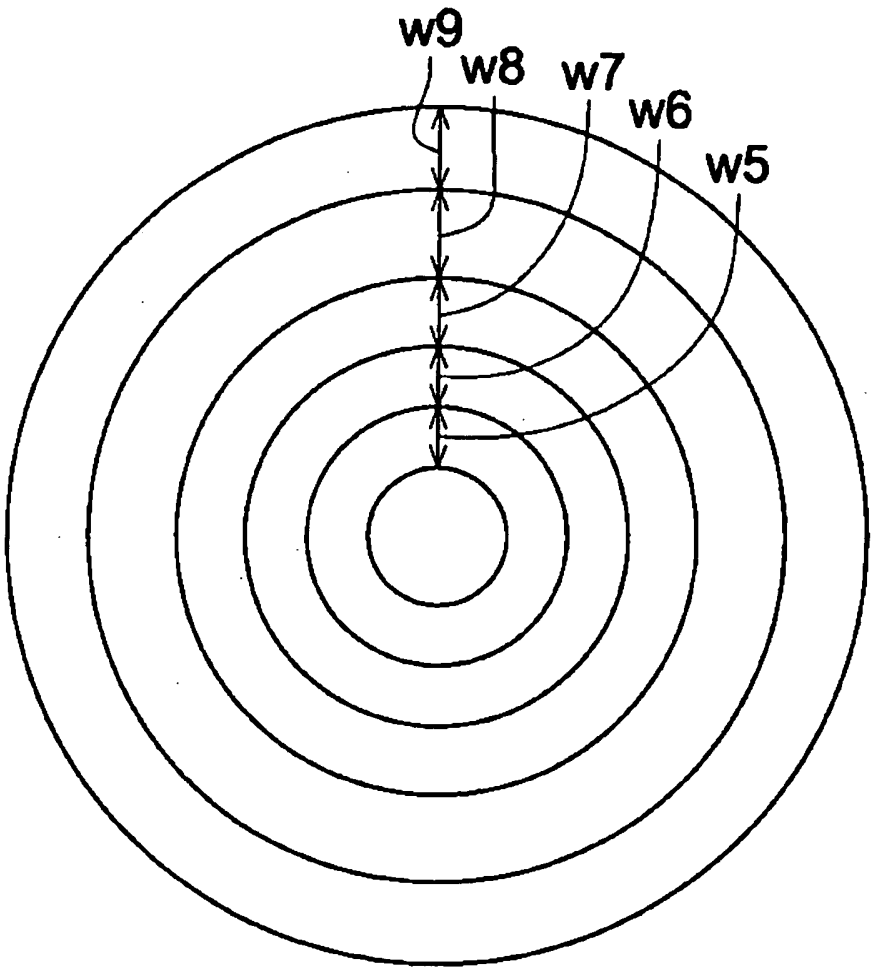

FIG. 14 (a)

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FIG. 14 (b)

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FIG. 14 (c)

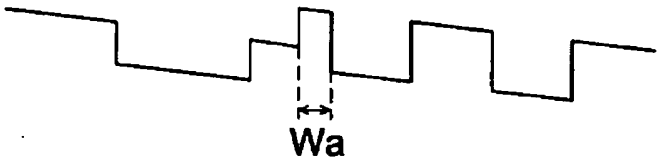


FIG. 14 (d)

FIG. 15

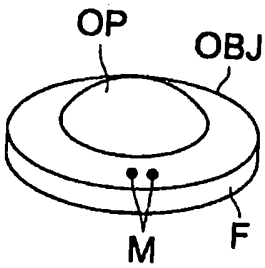
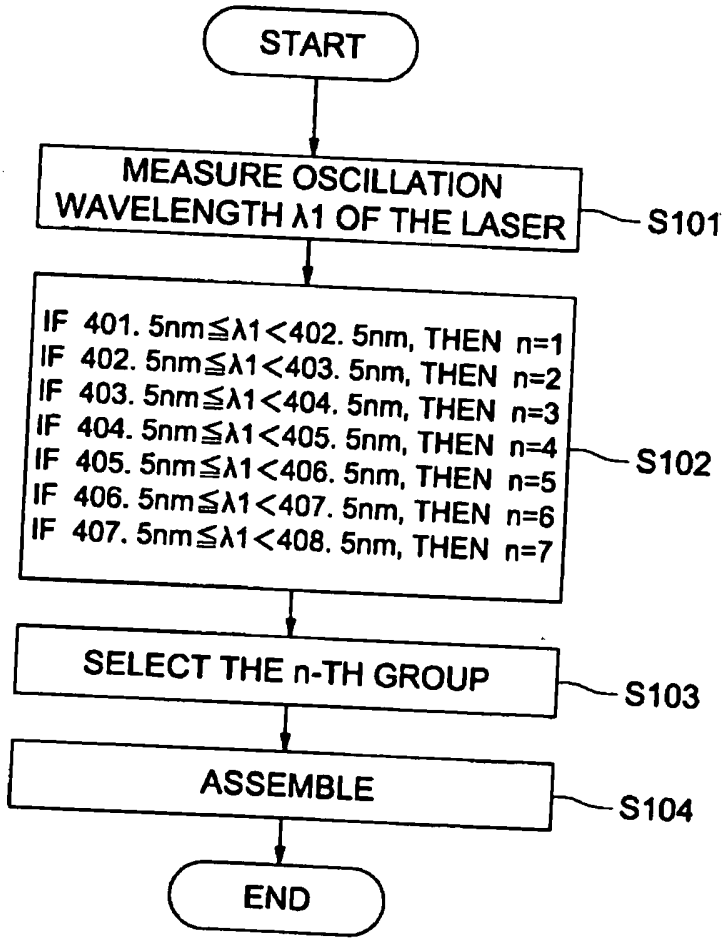

OP
OBJ
M
F

FIG. 16


START
MEASURE OSCILLATION WAVELENGTH λ1 OF THE LASER
S101
IF 401. 5nm≦λ1<402. 5nm, THEN n=1
IF 402. 5nm≦λ1<403. 5nm, THEN n=2
IF 403. 5nm≦λ1<404. 5nm, THEN n=3
IF 404. 5nm≦λ1<405. 5nm, THEN n=4
IF 405. 5nm≦λ1<406. 5nm, THEN n=5
IF 406. 5nm≦λ1<407. 5nm, THEN n=6
IF 407. 5nm≦λ1<408. 5nm, THEN n=7
S102
SELECT THE n-TH GROUP
S103
ASSEMBLE
S104
END

OPTICAL PICKUP APPARATUS, OBJECTIVE OPTICAL ELEMENT AND OPTICAL INFORMATION RECORDING REPRODUCING APPARATUS

This application is based on Japanese Patent Application Nos. 2006-060968 filed on Mar. 7, 2006, 2006-070701 filed on Mar. 15, 2006, 2006-123471 filed on Apr. 27, 2006, 2006-166148 filed on Jun. 15, 2006, in Japanese Patent Office, the entire content of which is hereby incorporated by reference.

BACKGROUND OF THE INVENTION

The present invention relates to an optical pickup apparatus, objective optical element and optical information recording reproducing apparatus by which information can be recorded and/or reproduced information compatibly for different kinds of optical disks.

In recent years, tendency of a shorter wavelength of laser beam as a light source which has been used to record and/or reproduce information for optical disks, has become a main stream. For example, a laser light source having 400-420 nm wavelength, such as a blue-violet semiconductor laser; and a blue-SHG laser which converts wavelength of an infrared semiconductor laser utilizing a second harmonic wave, have been made practical. Information of 23-27 GB can be recorded on the optical disk having a diameter of 12 cm by using these blue-violet optical sources and an objective lens having NA (Numerical aperture) which is the same as a DVD (Digital Versatile Disc). When NA is increased to 0.85, information of 23-25 GB can be recorded onto the optical disk having a diameter of 12 cm. In this specification, the optical disk and an optical-magnetic disk using a blue-violet laser light source are called "a high density optical disk".

Hereupon, the high density optical disk using the objective optical element, has larger coma caused due to the skew of the optical disk. Therefore some high density optical disks using the objective optical element with NA of 0.85, are designed so that the protective layer has thinner thickness (which is 0.1 mm, while that of DVD is 0.6 mm) than that of DVD to reduce the comma due to the skew. On the other hand, it is sometimes considered that a product, such as an optical disk player/recorder, which is capable of only recording/reproducing information for the above high-density optical disk is worthless. Taking account of a fact that, at present, DVDs and CDs (Compact Disc), onto which various kinds of information have been recorded, are on the market, the value of the product as a high-density optical disk player/recorder is increased by, for example, enabling to appropriately record/reproduce information additionally for DVDs and CDs, which a user possesses. From these backgrounds, the optical pickup apparatus installed in the high-density optical disk player/recorder is required to be capable of appropriately recording/reproducing information not only for a high-density optical disk but also a DVD and a CD.

It can be considered, as a method by which the information can be adequately recorded/reproduced while the compatibility is maintained also to anyone of the high density optical disk and DVD and further to CD, a method to selectively switch the optical system for the high density optical disk and the optical system for DVD and CD corresponding to the recording density of the optical disk to which the information is recorded/reproduced. However, it requires a plurality of optical systems, which is disadvantageous for the size-reduction and which increases the cost.

Accordingly, in order to simplify the structure of the optical pickup apparatus and to intend the reduction of cost, it is

preferable to make an optical system for the high density optical disk an optical system for DVD and CD into a common optical system, and to reduce the number of optical parts contributing the optical pickup apparatus as much as possible, even when the optical pickup apparatus has compatibility. Then, providing the common objective optical element which is arranged with facing an optical disk, is most advantageous for the simplification of the construction or cost reduction of the optical pickup apparatus. Here, in order to obtain the common objective optical element for plural kinds of optical disks which use different wavelengths for recording/reproducing information, it is requires that the objective optical system is provided with an optical path difference providing structure having a wavelength dependency for the spherical aberration, which is formed thereon.

European patent application EP-A 1304689 discloses an objective optical system which has the diffractive structure as an optical path difference providing structure and can be commonly used for the high density optical disk and the conventional DVD and CD, and also discloses an optical pickup apparatus in which this objective optical system is mounted.

However, the objective optical element for use in the optical pickup apparatus which compatibly conducts recording and/or reproducing information for three different optical disks, which is written in EP-A 1304689, has a probability that the light amount used for recording and/or reproducing information is insufficient, depending on the design specification of the optical pickup apparatus, or has a problem that the unnecessary light affects a sensor for tracking operation when the tracking operation for CD is conducted, and the accurate tracking operation is hardly conducted, which is a problem. Particularly, when using an infinite optical system for all three different kinds of optical disks, in other words, a collimated light flux enters into an objective optical element, the above problems become remarkable.

SUMMARY OF THE INVENTION

The present invention is provided, with considering the above problems, to achieve at least one of the following objects. The present invention provides an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which can properly conducts recording and/or reproducing information for three kinds of optical disks having different recording densities such as a high density optical disk, DVD and CD, even when using as the objective optical element, and which is capable of simplifying the structure and reducing the cost. In addition, the present invention provides an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which can maintain accuracy of the tracking operation for all three different optical disks, even when using an infinite optical system. The present invention provides an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which can provide excellent temperature characteristics and can properly conducts recording and/or reproducing information for the three kinds of disks, even when using a plastic lens for the objective optical element. The present invention provides an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which provides desired optical characteristics and which can be easily manufactured without using minute structures.

According to various embodiments, the present teachings can provide an optical pickup apparatus for recording and/or

reproducing information for an optical disk, an objective optical element for use in the optical pickup apparatus and an optical information recording reproducing apparatus employing the optical pickup apparatus. The optical pickup apparatus comprises: a first light source for emitting a first light flux having a first wavelength $\lambda 1$; a second light source for emitting a second light flux having a second wavelength $\lambda 2$ ($\lambda 2>\lambda 1$); a third light source for emitting a third light flux having a third wavelength $\lambda 3$ ($\lambda 3>\lambda 2$); and an objective optical element. The objective optical element can be provided for converging the first light flux onto an information recording surface of a first optical disk having a protective substrate with a thickness t1, for converging the second light flux onto an information recording surface of a second optical disk having a protective substrate with a thickness t2($t1 \leqq t2$), and for converging the third light flux onto an information recording surface of a third optical disk having a protective substrate with a thickness t3 ($t2<t3$). The optical pickup apparatus can record and/or reproduce information by converging the first light flux onto the information recording surface of the first optical disk, by converging the second light flux onto the information recording surface of the second optical disk, and by converging the third light flux onto the information recording surface of the third optical disk. The objective optical element comprises an optical surface including at least two areas which are a central area and a peripheral area surrounding the central area. The central area comprises a first optical path difference providing structure. The peripheral area comprises a second optical path difference providing structure. The objective optical element can converge the first light flux which passes through the central area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk. The objective optical element can converge the second light flux which passes through the central area of the objective optical element onto the information recording surface of the second optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the second optical disk. The objective optical element can converge the third light flux which passes through the central area of the objective optical element onto the information recording surface of the third optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the third optical disk. The objective optical element can converge the first light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk. The objective optical element can converge the second light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the second optical disk so as to record and/or reproduce information on the information recording surface of the second optical disk. The third light flux which passes through the first optical path difference providing structure can form a first best focus in which the third light flux forms a spot having a smallest diameter. The third light flux which passes through the first optical path difference providing structure can form a second best focus in which the third light flux can form a spot having a second smallest diameter. The first best focus and the second best focus satisfy an conditional expression according to (1).

$$0.05 \leqq L/f \leqq 0.35 \quad (1)$$

Where, f (mm) is a focal length of the objective optical element for the third light flux which passes through the first optical path difference structure and forms the first best focus, and L (mm) is a distance between the first best focus and the second best focus.

The above embodiment allows that one objective optical element to properly record and/or reproduce information for three different disks (for example, a high density optical disk using a blue-violet laser light source, DVD, and CD) with employing a simple and low-cost configuration. Further, the above embodiment allows to provide an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which can maintain accuracy of the tracking operation for all three different optical disks, even when using an infinite optical system. The above embodiment further allows to provide an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which properly record and/or reproduce information for three different disks with using a single objective optical element. The above embodiment further allow to provide an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which provide excellent temperature characteristics and properly record and/or reproduce information for three different disks with using a single objective optical element, even when employing a plastic lens.

These and other objects, features and advantages according to the present invention will become more apparent upon reading of the following detailed description along with the accompanied drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

Embodiments will now be described, by way of example only, with reference to the accompanying drawings which are meant to be exemplary, not limiting, and wherein like elements numbered alike in several Figures, in which:

FIG. 1 is a diagram showing an example of objective optical element OBJ according to the present invention viewed from the optical axis direction;

FIGS. 2(*a*)-2(*d*) are sectional views typically showing several examples of the optical path difference providing structure provided in objective optical element OBJ according to the present invention;

FIG. 3 is a view generally showing the structure of an optical pickup apparatus according to the present invention;

FIG. 4 is a sectional view typically showing an example of objective optical element OBJ according to the present invention;

FIGS. 5(*a*)-5(*c*) are vertical spherical aberration diagrams relating to BD, DVD, and CD of Example 1 according to the present invention;

FIGS. 6(*a*)-6(*c*) are vertical spherical aberration diagrams relating to BD, DVD, and CD of Example 2 according to the present invention;

FIGS. 7(*a*)-7(*c*) are vertical spherical aberration diagrams relating to BD, DVD, and CD of Example 3 according to the present invention;

FIG. 8 is a sectional view typically showing the optical path difference providing structure of the objective optical element in Example 4 according to the present invention;

FIGS. 9(*a*) to 9(*c*) are vertical spherical aberration diagrams relating to BD, DVD, and CD of Example 4 according to the present invention;

FIG. 10 is a view showing the shape of a spot according to the present invention;

FIGS. **11**(*a*) to **11**(*c*) are vertical spherical aberration diagrams relating to BD, DVD, and CD of Example 5 according to the present invention;

FIG. **12** is a view showing the step amount of an example of the optical path difference providing structure;

FIG. **13** is a view showing an example of the pitch width;

FIGS. **14**(*a*) to **14**(*d*) are views for illustrating the design method of the optical path difference providing structure according to the present invention;

FIG. **15** is a perspective view of molded objective optical element OBJ; and

FIG. **16** is a flow chart showing an example of the manufacturing method of the optical pickup apparatus.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

An optical pickup apparatus according to the present invention comprises at least three light sources: a first light source, a second light source, and a third light source. The optical pickup apparatus further comprises a light converging optical system for converging the first light flux on the information recording surface of the first optical disk, converging the second light flux on the information recording surface of the second optical disk, and converging the third light flux on the information recording surface of the third optical disk. The optical pickup apparatus according to the present invention further comprises a light receiving element for receiving each of reflection light fluxes from the information recording surface of the first optical disk, the second optical disk, or the third optical disk.

The first optical disk comprises a protective substrate with a thickness of **t1**and an information recording surface. The second optical disk comprises a protective substrate with a thickness of **t2**($t1 \leqq t2$) and an information recording surface. The third optical disk comprises a protective substrate of a thickness of **t3** ($t2 \leqq t3$) and an information recording surface. It is preferable that the first optical disk is a high density optical disk, the second optical disk is DVD, and the third optical disk is CD, however, optical disks are not limited to those. Further, in the case where $t1<t2$, as compared to the case where $t1=t2$, it is more difficult to record and/or reproduce information for three different optical disks by an objective optical element being a single lens, with providing excellent tracking characteristics at the time of recording and/or reproducing information for the third optical disk. However, an embodiment according to the present invention can conduct that. Hereupon, the first optical disk, the second optical disk or the third optical disk may also be an optical disk of the plurality of layers having the plurality of the information recording surfaces.

As an example of the high density optical disk in the present specification, there is cited an optical disk (for example, BD: Blue-ray Disc) based on the standard that information is recorded and/or reproduced by an objective optical element with NA 0.85, and that a protective substrate of the optical disk is about 0.1 mm. Further, as an example of another high density optical disk, there is cited an optical disk (for example, HD DVD: it also called HD) based on the standard that information is recorded and/or reproduced by an objective optical element with NA in the range of 0.65 to 0.67 and the protective substrate of the optical disk is about 0.6 mm. Further, the high density optical disk includes an optical disk having a protective film (in the present specification, the protective substrate includes also the protective film), having a thickness of about several to several ten nm on the information recording surface, or an optical disk whose protective substrate thickness is 0 (zero). The high density optical disk further includes a photo-magnetic disk for which the blue-violet semiconductor laser or blue-violet SHG laser is used as the light source for recording/reproducing information. Further, DVD in the present specification represents a generic name of optical disks based on the standard that information is recorded and/or reproduced by an objective optical element with NA in the range of 0.60 to 0.67 and that the protective substrate of the optical disc is about 0.6 mm, which belong to DVD group such as DVD-ROM, DVD-Video, DVD-Audio, DVD-RAM, DVD-R, DVD-RW, DVD+R and DVD+RW. In the present specification, CD represents a generic name of optical disks based on the standard that information is recorded and/or reproduced by an objective optical element with NA in the range of 0.45 to 0.51 and that the protective substrate of the optical disc is about 1.2 mm, which belong to CD group such as CD-ROM, CD-Audio, CD-Video, CD-R and CD-RW. Among these optical disks, the high density optical disk provides the highest recording density. DVD and CD provide the second highest recording density, the third highest recording density, respectively.

Thicknesses **t1**, **t2**, and **t3** of the protective substrates preferably satisfy the following conditional expressions (6), (7), and (8). However, it is to be understood that various changes and modifications will be apparent to those skilled in the art.

$$0.0750\ \text{mm} \leqq t1 \leqq 0.125\ \text{mm or } 0.5\ \text{mm} \leqq t1 \leqq 0.7\ \text{mm} \quad (6)$$

$$0.5\ \text{mm} \leqq t2 \leqq 0.7\ \text{mm} \quad (7)$$

$$1.0\ \text{mm} \leqq t3 \leqq 1.3\ \text{mm} \quad (8)$$

In the present specification, each of the first light source, the second light source, and the third light source is preferably a laser light source. A semiconductor laser, and a silicon laser are preferably used for the laser light source. The first wavelength $\lambda 1$ of the first light flux emitted from the first light source, the second wavelength $\lambda 2$ ($\lambda 2>\lambda 1$) of the second light flux emitted from the second light source, the third wavelength $\lambda 3$ ($\lambda 3>\lambda 2$) of the third light flux emitted from the third light source, are preferable to satisfy the following conditional expressions (9) and (10).

$$1.5\times\lambda 1<\lambda 2<1.7\times\lambda 1 \quad (9)$$

$$1.9\times\lambda 1<\lambda 3<2.1\times\lambda 1 \quad (10)$$

When BD or HD is employed as the first optical disk, the wavelength $\lambda 1$ of the first light source is preferably 350 nm or more, and 440 nm or less. The wavelength $\lambda 1$ is more preferably 380 nm or more, and 415 nm or less. When DVD is employed as the second optical disk, the second wavelength $\lambda 2$ of the second light source is preferably 570 nm or more, and 680 nm or less. The second wavelength $\lambda 2$ is more preferably 630 nm or more, and 670 nm or less. When CD is employed for the third optical disk, the third wavelength $\lambda 3$ of the third light source is preferably 750 nm or more, and 880 nm or less. The third wavelength $\lambda 3$ is more preferably 760 nm or more, and 820 nm or less.

Further, at least two light sources of the first light source, the second light source, and the third light source may also be unitized. The unitization means fixing and housing, for example, the first light source and the second light source into one package. However it is to be understood that various changes and modifications will be apparent to those skilled in the art. The unitization in a broad sense includes a situation that two light sources are fixed so that aberration can not be corrected. Further, in addition to the light source, the light receiving element which will be described later, may also be provided as one package.

As the light receiving element, the light detector such as a photo diode is preferably used. The light reflected on the information recording surface of the optical disk enters into the light receiving element, and signal outputted from the light receiving element is used for obtaining the read signal of the information recorded in each optical disk. Further, the light amount of the spot on the light receiving element caused with the change in the spot shape and the change in the spot position, to conduct the focus detection and the tracking detection focus detection. The objective optical element is moved based on these detections for focusing and tracking of the objective optical element. The light receiving element may be composed of a plurality of light detectors. The light receiving element may also have a main light detector and secondary light detector. For example, the light receiving element is provided with a main light detector which receives the main light used for recording and/or reproducing information, and two secondary light detectors positioned on both sides of the main light detector, so as to receive secondary light for tracking adjustment by the two secondary light detectors. Further, the light receiving element may also comprise a plurality of light receiving elements corresponding to each light source.

The light converging optical system comprises the objective optical element. The light converging optical system may comprise only an objective optical element, however, the light converging optical system may also have a coupling lens such as a collimator lens other than the objective optical element. The coupling lens is arranged between the objective optical element and the light source and means a single lens or a lens group which changes divergent angle of a light flux. The collimator lens is a lens to collimate the light flux entered into the collimator lens. Further, the light converging optical system may also comprise an optical element such as the diffractive optical element which divides the light flux emitted from the light source into a main light flux used for recording reproducing information and two secondary light fluxes used for the tracking operation. In the present specification, the objective optical element means an optical system which is arranged to face the optical disk in the optical pickup apparatus, which has the function which converges the light flux emitted from the light source onto an information recording surface of the optical disk. Preferably, the objective optical element is an optical system which is arranged to face the optical disk in the optical pickup apparatus, and which has the function which converges the light flux emitted from the light source on the information recording surface of the optical disk, and further which is movable as one body in the direction of at least the optical axis by an actuator. The objective optical element may be formed of a plurality of lenses and/or optical elements. Alternatively, the objective optical element may be a single lens. Preferably, the objective lens is formed of a single lens. The objective optical element may also be a glass lens, a plastic lens or a hybrid lens in which an optical path difference providing structure is formed on the glass lens by using thermosetting resin. When the objective optical element has a plurality of lenses, a combination of a glass lens and a plastic lens can be used for the objective optical element. When the objective optical element has a plurality of lenses and/or optical elements, a combination of: an optical element in flat plate shape having an optical path difference providing structure; and an aspheric surface lens which may not have a optical path difference providing structure. The objective optical element comprises a refractive surface which is an aspheric surface. Further, the objective optical element preferably can have a base surface where the optical path difference providing structure is provided, which is an aspheric surface.

Further, when the objective optical element is a glass lens, a glass material used for the glass lens preferably has a glass transition point Tg of 400° C. or less. By using the glass material whose glass transition point Tg is 400° C. or less, the material can be molded at a comparatively low temperature. Therefore, the life of the metallic mold can be prolonged. As an example of the glass material whose glass transition point Tg is low, there are K-PG325 and K-PG375 (both are trade names) made by SUMITA Optical glass, Inc.

Hereupon, a glass lens has generally larger specific gravity than a resin lens. Therefore, the objective optical element made of a glass lens has larger weight and apply a larger burden to the actuator which drives the objective optical element. Therefore, when a glass lens is employed for the objective optical lens, a glass material having small specific gravity is preferably used for the objective optical element. Specifically, the specific gravity is preferably 3.0 or less, and is more preferably 2.8 or less.

Further, when a plastic lens is employed for the objective optical element, it is preferable that the resin material of cyclic olefins is used for the objective optical element. In the cyclic olefins, there is more preferably used the resin material having: refractive index at the temperature 25° C. for wavelength 405 nm, which is within the range of 1.54 to 1.60; and ratio of refractive index change dN/dT (° C.$^{-1}$) with the temperature change within the temperature range of −5° C. to 70° C. for the wavelength 405 nm, which is within the range of -20×10^{-5} to -5×10^{-5} (more preferably, -10×10^{-5} to -8×10^{-5}). Further, when a plastic lens is employed for the objective optical element, it is preferable that a plastic lens is also employed for the coupling lens.

Alternatively, as the resin material appropriate to the objective optical element of the present invention, there is "athermal resin" also other than the cyclic olefins. "Athermal resin" is a resin material in which microparticles each having a diameter of 30 nm or less are dispersed into a resin which is a base material. The material of the microparticles has ratio of change in the refractive index with the temperature change, and the ratio of change in the refractive index of the microparticles has the opposite sign to that of the material of the resin which is the base material. Generally, when microparticles are mixed in the transparent resin material, light is scattered and the transmission factor is lowered. So, it is difficult to use as the optical material. However, it becomes clear that the microparticles whose size is smaller than the wavelength of the transmitting light flux prevent the scattering effectively.

Hereupon, the refractive index of the resin material is lowered when the temperature rises, while the refractive index of the inorganic microparticles is increased when the temperature rises. Accordingly, it is also well known to prevent the refractive index from changing by combining above nature of the microparticles and the base material so as to cancel them out each other. When the objective optical element according to the present invention employs the material such that the inorganic particles whose size is 30 nanometer or less, which is preferably 20 nanometer or less, more preferably 10-15 nanometer, are dispersed in the resin as base material, there can be provided the objective optical unit having no or very low temperature dependency of the refractive index.

For example, microparticles of niobium oxide (Nb_2O_5) are dispersed in acryl resin. The volume ratio of the resin material that represents the basic material is about 80% and that of niobium oxide is about 20%, and these are mixed uniformly.

Though microparticles have a problem that they tend to condense, the necessary state of dispersion can be kept by a technology to disperse particles by giving electric charges to the surface of each particle.

It is preferable that microparticles are mixed and dispersed into the resin as a base material during injection molding of optical elements by the in-line manner. In other words, it is preferable that, after the microparticles are mixed and dispersed in to the base material, the mixture is neither cooled nor solidified until the mixture is molded into an objective optical unit.

Incidentally, in order to control the ratio of change in the refractive index with the temperature, the volume ratio of microparticles to the base material may increase or decrease, and microparticles in which a plural kinds of nanometer-sized microparticles are blended may also be dispersed into the base material.

Though the volume ratio of the microparticles and the base material is made to be 80:20, namely to be 4:1, in the example stated above, it is possible to adjust properly within a range from 90:10 (9:1) to 60:40 (3:2). It is preferable that a volume of the microparticles is provided to be exceed the ratio of 9:1, because the temperature-affected change is effectively reduced. While, it is also preferable that a volume of the microparticles is provided to be less than the ratio of 3:2, because moldability of the athermal resin becomes easy.

It is preferable that the microparticles are inorganic substances, and more preferable that the microparticles are oxides. Further, it is preferable that the state of oxidation is saturated, and the oxides are not oxidized any more.

It is preferable that the microparticles are inorganic substances because reaction between the inorganic substances and resin as a base material representing high molecular organic compound is restrained to be low, and deterioration caused by actual use such as irradiation of laser beam can be prevented because the microparticles are oxides. In particular, under the severe conditions such as high temperature and irradiation of a laser beam, oxidation of resin tends to be accelerated. However, aforesaid microparticles of inorganic oxide are prevented from deterioration caused by oxidation.

Further, it is naturally possible to add antioxidants in resin material in order to prevent the resin from oxidation caused by other factors.

Materials described in JP-A 2004-144951, JP-A 2004-144953, JP-A 2004-144954 are suitable for a preferable material to be base material.

Inorganic microparticles to be dispersed in thermoplastic resin are not limited in particular, and suitable microparticles can be arbitrarily selected from inorganic microparticles which reduce the ratio (hereinafter, ldn/dTl) of change in refractive index with the temperature. To be concrete, oxide microparticles, metal salt microparticles and semiconductor microparticles are preferably used, and it is preferable to use by selecting properly those in which absorption, light emission and fluorescence are not generated in the wavelength range employed for an optical element, from the aforesaid microparticles.

The following metal oxide is used for oxide microparticles used in the structure according to the present invention: a metal oxide constructed by one or more kinds of metal selected by a group including Li, Na, Mg, Al, Si, K, Ca, Sc, Ti, V, Cr, Mn, Fe, Co, Ni, Cu, Zn, Rb, Sr, Y, Nb, Zr, Mo, Ag, Cd, In, Sn, Sb, Cs, Ba, La, Ta, Hf, W, Ir, Tl, Pb, Bi and rare earth metal. More specifically, for example, oxide such as silicon oxide, titanium oxide, zinc oxide, aluminum oxide, zirconium oxide, hafnium oxide, niobium oxide, tantalum oxide, magnesium oxide, calcium oxide, strontium oxide, barium oxide, indium oxide, tin oxide, lead oxide; complex oxide compounds these oxides such as lithium niobate, potassium niobate and lithium tantalate, the aluminum magnesium oxide ($MgAl_2O_4$) are cited. Furthermore, rare earth oxides are used for the oxide microparticles in the structure according to the present invention. More specifically, for example, scandium oxide, yttrium oxide, lanthanum trioxide, cerium oxide, praseodymium oxide, neodymium oxide, samarium oxide, europium oxide, gadolinium oxide, terbium oxide, dysprosium oxide, holmium oxide, erbium oxide, thulium oxide, ytterbium oxide, lutetium oxide are cited. As metal salt microparticles, the carbonate, phosphate, sulfate, etc. are cited. More specifically, for example, calcium carbonate, aluminum phosphate are cited.

Moreover, semiconductor microparticles in the structure according to the present invention mean the microparticles constructed by a semiconducting crystal. The semiconducting crystal composition examples include simple substances of the 14th group elements in the periodic table such as carbon, silica, germanium and tin; simple substances of the 15th group elements in the periodic table such as phosphor (black phosphor); simple substances of the 16th group elements in the periodic table such as selenium and tellurium; compounds comprising a plural number of the 14th group elements in the periodic table such as silicon carbide (SiC); compounds of an element of the 14th group in the periodic table and an element of the 16th group in the periodic table such as tin oxide (IV) (SnO_2), tin sulfide (II, IV) (Sn(II)Sn(IV)S_3), tin sulfide (IV) (SnS_2), tin sulfide (II) (SnS), tin selenide (II) (SnSe), tin telluride (II) (SnTe), lead sulfide (II) (PbS), lead selenide (II) (PbSe) and lead telluride (II) (PbTe); compounds of an element of the 13th group in the periodic table and an element of the 15th group in the periodic table (or III-V group compound semiconductors) such as boron nitride (BN), boron phosphide (BP), boron arsenide (BAs), aluminum nitride (AlN), aluminum phosphide (AlP), aluminum arsenide (AlAs), aluminum antimonide (AlSb), gallium nitride (GaN), gallium phosphide (GaP), gallium arsenide (GaAs), gallium antimonide (GaSb), indium nitride (InN), indium phosphide (InP), indium arsenide (InAs) and indium antimonide (InSb); compounds of an element of the 13th group in the periodic table and an element of the 16th group in the periodic table such as aluminum sulfide (Al_2S_3), aluminum selenide (Al_2Se_3), gallium sulfide (Ga_2S_3), gallium selenide (Ga_2Se_3), gallium telluride (Ga_2Te_3), indium oxide (In_2O_3), indium sulfide (In_2S_3), indium selenide (In_2Se_3) and indium telluride (In_2Te_3); compounds of an element of the 13th group in the periodic table and an element of the 16th group in the periodic table such as thallium chloride (I) (TlCl), thallium bromide (I) (TlBr), thallium iodide (I) (TlI); compounds of an element of the 12th group in the periodic table and an element of the 16th group in the periodic table (or II-VI group compound semiconductors) such as zinc oxide (ZnO), zinc sulfide (ZnS), zinc selenide (ZnSe), zinc telluride (ZnTe), cadmium oxide (CdO), cadmium sulfide (CdS), cadmium selenide (CdSe), cadmium telluride (CdTe), mercury sulfide (HgS), mercury selenide (HgSe) and mercury telluride (HgTe); compounds of an element of the 15th group in the periodic table and an element of the 16th group in the periodic table such as arsenic sulfide (III) (As_2S_3), arsenic selenide (III) (As_2Se_3), arsenic telluride (III) (As_2Te_3), antimony sulfide (III) (Sb_2S_3), antimony selenide (III) (Sb_2Se_3), antimony telluride (III) (Sb_2Te_3), bismuth sulfide (III) (Bi_2S_3), bismuth selenide (III) (Bi_2Se_3) and bismuth telluride (III) (Bi_2Te_3); compounds of an element of the 11th group in the periodic table and an element of the 16th group in the periodic table such as copper oxide (I) (Cu_2O) and copper

selenide (I) (Cu_2Se); compounds of an element of the 11th group in the periodic table and an element of the 17th group in the periodic table such as copper chloride (I) (CuCl), copper bromide (I) (CuBr), copper iodide (I) (CuI), silver chloride (AgCl) and silver bromide (AgBr); compounds of an element of the 10th group in the periodic table and an element of the 16th group in the periodic table such as nickel oxide (II) (NiO); compounds of an element of the 9th group in the periodic table and an element of the 16th group in the periodic table such as cobalt oxide (II) (CoO) and cobalt sulfide (II) (CoS); compounds of an element of the 8th group in the periodic table and an element of the 16th group in the periodic table such as triiron tetraoxide (Fe_3O_4) and iron sulfide (II) (FeS); compounds of an element of the 7th group in the periodic table and an element of the 16th group in the periodic table such as manganese oxide (II) (MnO); compounds of an element of the 6th group in the periodic table and an element of the 16th group in the periodic table such as molybdenum sulfide (IV) (MOS_2) and tungsten oxide(IV) (WO_2); compounds of an element of the 5th group in the periodic table and an element of the 16th group in the periodic table such as vanadium oxide (II) (VO), vanadium oxide (IV) (VO_2) and tantalum oxide (V) (Ta_2O_5); compounds of an element of the 4th group in the periodic table and an element of the 16th group in the periodic table such as titanium oxide (such as TiO_2, Ti_2O_5, Ti_2O_3 and Ti_5O_9); compounds of an element of the 2th group in the periodic table and an element of the 16th group in the periodic table such as magnesium sulfide (MgS) and magnesium selenide (MgSe); chalcogen spinels such as cadmium oxide (II) chromium (III) ($CdCr_2O_4$), cadmium selenide (II) chromium (III) ($CdCr_2Se_4$), copper sulfide (II) chromium (III) ($CuCr_2S_4$) and mercury selenide (II) chromium (III) ($HgCr_2Se_4$); and barium titanate ($BaTiO_3$). Further, semiconductor clusters structures of which are established such as $BN_{75}(BF_2)_{15}F_{15}$, described in Adv. Mater., vol. 4, p. 494 (1991) by G. Schmid, et al.; and $Cu_{146}Se_{73}$(triethylphosphine)$_{22}$ described in Angew. Chem. Int. Ed. Engl., vol. 29, p. 1452 (1990) by D. Fenske are also listed as examples.

In general, dn/dT of thermoplastic resin has a negative value, namely, a refractive index becomes smaller as the temperature rises. Therefore, it is preferable to disperse microparticles having large dn/dT, in order to make |dn/dT| of thermoplastic resin composition to be efficiently small. It is preferable that the absolute value of dn/dT of the microparticles is smaller than that of the thermoplastic resin used as a base material when using microparticles having dn/dT with same sign to the sign of dn/dT of the thermoplastic resin. Furthermore, microparticles having positive dn/dT, which is microparticles having different sign of dn/dT from that of the thermoplastic resin which is a base material, are preferably used. By dispersing these kinds of microparticles into the thermoplastic resin, |dn/dT| of thermoplastic resin composition can effectively become small with less amount of the microparticles. It is possible to properly select dn/dT of microparticles to be dispersed corresponding to a value of dn/dT of thermoplastic resin to become a base material. However, it is preferable that dn/dT of microparticles is greater than -20×10^{-6} and it is more preferable that dn/dT of microparticles is greater than -10×10^{-6} when microparticles are dispersed into a thermoplastic resin which is preferably employed to a general optical element. As microparticles having large dn/dT, gallium nitride, zinc sulfate, zinc oxide, lithium niobate and lithium tantalite, for example, are preferably used.

On the other hand, when dispersing microparticles in thermoplastic resin, it is preferable that a difference of refractive index between the thermoplastic resin to become a base material and the microparticles is small. Scattering is hardly caused when light is transmitted, if a difference of refractive index between the thermoplastic resin and the microparticles to be dispersed is small. In case of dispersing microparticles in the thermoplastic resin, microparticles in larger size easily cause scattering when light flux transmits the material. However, in a material in which a difference of refractive index between the thermoplastic resin and the microparticles to be dispersed is small, an occurrence of light scattering becomes low even when relatively large-sized microparticles are used. A difference of refractive index between the thermoplastic resin and the microparticles to be dispersed is preferably within the range of 0-0.3, and more preferably within the range of 0-0.15.

Refractive indexes of thermoplastic resins preferably used as optical materials are in the range about 1.4-1.6 in many cases. As materials to be dispersed in these thermoplastic resins, silica (silicon oxide), calcium carbonate, aluminum phosphate, aluminum oxide, magnesium oxide, and aluminum•magnesium oxides, for example, are preferably used.

Further, dn/dT of thermoplastic resin composition can be made small effectively, by dispersing microparticles whose refractive index is relatively low. As a reason why |dn/dT| of thermoplastic resin composition including dispersed microparticles with low refractive index becomes small, it is considered that temperature changes of the volume fraction of inorganic microparticles in the resin composition may work to make the |dn/dT| of the resin composition to become smaller when the refractive index of the microparticles is lower, although the details are not clarified. As microparticles having a relatively low refractive index, silica (silicon oxide), calcium carbonate and aluminum phosphate, for example, are preferably used.

It is difficult to simultaneously achieve all of improving an effect of lowering dn/dT of the thermoplastic resin composition, improving of light transmittance and a desired refractive index. Therefore, microparticles to be dispersed in the thermoplastic resin can be selected properly by considering a magnitude of dn/dT of a microparticle itself, a difference of dn/dT between microparticles and the thermoplastic resin to become a base material, and the refractive index of the microparticles, depending on the characteristics which are required for the thermoplastic resin composition. Further, it is preferable, for maintaining light transmittance, to properly select microparticles which hardly cause light scattering with considering its affinity with the thermoplastic resin to become a base material, in other words, characteristics of the microparticles in dispersion for the thermoplastic resin.

For example, when using cyclic olefin polymer preferably employed for an optical element as a base material, silica is preferably used as microparticles which make |dn/dT| small while keeping light transmittance.

For the microparticles mentioned above, it is possible to use either one type of inorganic microparticles or plural types of inorganic microparticles in combination. By using plural types of microparticles each having a different characteristic, the required characteristics can further be improved efficiently.

Inorganic microparticles relating to the present invention preferably has an average particle size being 1 nm or larger and being 30 nm or smaller and more preferably has an average particle size being 1 nm or more and being 10 nm or less. When the average particle size is less than 1 nm, dispersion of the inorganic microparticles is difficult, resulting in a fear that the required efficiency may not be obtained, there-

fore, it is preferable that the average particle size is 1 nm or more. When the average particle size exceeds 30 nm, thermoplastic material composition obtained becomes muddy and transparency is lowered, resulting in a fear that the light transmittance may become less than 70%, therefore, it is preferable that the average particle size is 30 nm or less. The average particle size mentioned here means volume average value of a diameter (particle size in conversion to sphere) in conversion from each particle into a sphere having the same volume as that of the particle.

Further, a form of an inorganic microparticle is not limited in particular, but a spherical microparticle is used preferably. To be concrete, a range of 0.5-1.0 for the ratio of the minimum size of the particle (minimum value of the distance between opposing two tangents each touching the outer circumference of the microparticle)/the maximum size (maximum value of the distance between opposing two tangents each touching the outer circumference of the microparticle) is preferable, and a range of 0.7-1.0 is more preferable.

A distribution of particle sizes is not limited in particular, but a relatively narrow distribution is used suitably, rather than a broad distribution, for making the invention to exhibit its effect efficiently.

The objective optical element will be described below. At least one optical surface of the objective optical element comprises a central area and a peripheral area around the central area. More preferably, at least one optical surface of the objective optical element further includes a most peripheral area around the peripheral area. By providing the most peripheral area, it allows to more appropriately record and/or reproduce information for the optical disk using the high NA. The central area preferably is an area having the optical axis of the objective optical element, however, it may also be the area not including the optical axis. It is preferable that the central area, peripheral area, and most peripheral area are provided on the same optical surface. As shown in FIG. **1**, it is preferable that the central area CN, peripheral area MD, most peripheral area OT are provided on the same optical surface concentrically around the optical axis. Further, the first optical path difference providing structure is provided in the central area of the objective optical element. The second optical path difference providing structure is provided in the peripheral area. When the most peripheral area is provided, the most peripheral area may be a refractive surface, or the third optical path difference providing structure may be provided in the most peripheral area. It is preferable that each of the central area, peripheral area, most peripheral area adjoins to the neighboring area, however, there may be slight gaps between adjoining areas.

The area where the first optical path difference providing structure is provided is preferably 70% or more of the area of the central area on the objective optical element. It is more preferably 90% or more of the area of the central area. The first optical path difference providing structure is furthermore preferably provided on the entire surface of the central area. The area where the second optical path difference providing structure is provided is preferably 70% or more of the peripheral area on the objective optical element. It is more preferably 90% or more of the area of the peripheral area. The second optical path difference providing structure is further more preferably provided on the entire surface of the peripheral area. The area where the third optical path difference providing structure is provided, is 70% or more of the area of the most peripheral area on the objective optical element. It is more preferably 90% or more of the area of the most peripheral area. The third optical path difference providing structure is more preferably provided on the entire surface of the most peripheral area.

Hereupon, the optical path difference providing structure used in the present specification, is the general name of the structure by which an optical path difference is provided to an incident light flux. The optical path difference providing structure also includes the phase difference providing structure by which the phase difference is provided. Further, the phase difference providing structure includes a diffractive structure. The optical path difference providing structure has a step, preferably, has a plurality of steps. This step provides an optical path difference and/or phase difference to an incident light flux. The optical path difference added by the optical path difference providing structure may also be an integer times of the wavelength of the incident light flux, or may also be non-integer times of the wavelength of the incident light flux. The step may also be arranged with periodic interval in the direction perpendicular to the optical axis, or may also be arranged with non-periodic interval in the direction perpendicular to the optical axis.

It is preferable that the optical path difference providing structure has a plurality of ring-shaped zones arranged concentrically around the optical axis. Further, the optical path difference providing structure can have various sectional shapes (cross sectional shapes in the plane including the optical axis). One of the most common optical path difference providing structure provides the sectional shape including the optical axis, which is in the serrated shape, as shows in FIG. **2**(*a*). Even when the cross sectional shape of the optical path difference providing structure arranged on the flat plane looks a stepped shape, the same optical path difference providing structure arranged on an aspheric surface can be considered as the serrated shape shown in FIG. **2**(*a*). Accordingly, in the present specification, it is defined that the sectional shape in the serrated shape includes the sectional shape in the stepped shape. Further, when the serrated shaped optical path difference providing structures whose step extend to the different directions, overlap with each other, there is provided the binary structured optical path difference providing structure as shown in FIG. **2**(*b*). Each of the first optical path difference providing structure and the second optical path difference providing structure of the present specification, may have a sectional shape which is formed by overlapping different optical path difference providing structures having serrated shape, or may have a sectional shape which is formed by further overlapping a serrated shaped optical path difference providing structure with a binary structured optical path difference providing structure formed by overlapping serrated optical path difference providing structures. For example, FIG. **2**(*c*) shows the structure in which the serrated shaped optical path difference providing structure and the binary structured optical path difference providing structure overlap with each other, and FIG. **2**(*d*) shows the structure in which the fine serrated shaped optical path difference providing structure and the rough serrated optical path difference providing structure overlap with each other.

Further, the first optical path difference providing structure provided in the central area of the objective optical element and the second optical path difference providing structure provided in the peripheral area of the objective optical element may be provided on the different optical surface of the objective optical element. However, it is preferable that the first and second optical path difference providing structures are provided on the same optical surface. By providing them on the same optical surface, it reduces the decentration error at the time of the manufacture, which is preferable. Further, it

is preferable that the first optical path difference providing structure and the second optical path difference providing structure are provided on the surface on the light source side of the objective optical element, rather than the surface on the optical disk side of the objective optical element.

The objective optical element converges the first light flux, the second light flux, and the third light flux each passing through the central area of the objective lens, where the first optical path difference providing structure is provided, so as to form a light converged spot for each light flux. Preferably, the objective optical element converges the first light flux passing through the central area of the objective optical element where the first optical path difference providing structure is provided onto the information recording surface of the first optical disk, so that information can be recorded and/or reproduced for the first optical disk. Preferably, the objective optical element converges the second light flux passing the central area of the objective optical element where the first optical path difference providing structure is provided onto the information recording surface of the second optical disk, so that information can be recorded and/or reproduced for the second optical disk. Preferably, the objective optical element converges the third light flux passing the central area of the objective optical element where the first optical path difference providing structure is provided onto the information recording surface of the third optical disk, so that information can be recorded and/or reproduced for the third optical disk. Further, when the thickness t1of the protective substrate of the first optical disk and the thickness t2of the protective substrate of the second optical disk are different, the first optical path difference providing structure preferably corrects the spherical aberration caused due to the difference between the thickness t1of the protective substrate of the first optical disk and the thickness t2 of the protective substrate of the second optical disk and/or the spherical aberration caused due to the difference of the wavelength of the first light flux and the second light flux, for the first light flux and the second light flux passing through the first optical path difference providing structure. Furthermore, the first optical path difference providing structure preferably corrects the spherical aberration caused due to the difference between the thickness t1of the protective substrate of the first optical disk and the thickness t3 of the protective substrate of the third optical disk and/or the spherical aberration caused due to the difference of the wavelength of the first light flux and the third light flux, for the first light flux and the third light flux passing through the first optical path difference providing structure.

Further, the third light flux passing through the first optical path difference providing structure of the objective optical element, forms a first best focus in which the third light flux forms a spot having the smallest diameter, and a second best focus, in which the third light flux forms a spot having the second smallest diameter. Hereupon, the best focus used herein means a position where the beam waist is minimized within the predetermined defocus range. That is, the case that the third light flux forms the first best focus and the second best focus means that the beam waist in the third light flux is minimized within the predetermined defocus range on at least two positions. Hereupon, the first best focus is preferably formed by a diffracted light flux with a maximum light amount in the third light flux passing through the first optical path difference providing structure. The second best focus is preferably formed by a diffracted light flux with a second maximum light amount in the third light flux passing through the first optical path difference providing structure. When the difference between the diffraction efficiency of the diffracted light flux which forms the first best focus and the diffraction efficiency of the diffracted light flux which forms the second best focus, is 20% or less, the effect of the present invention becomes more conspicuous.

Hereupon, it is preferable that the spot formed by the third light flux in the first best focus is used for recording and/or reproducing information for the third optical disk, and that the spot formed by the third light flux in the second best focus is not used for recording and/or reproducing information for the third optical disk. However, it does not denies an embodiment that the spot formed by the third light flux in the first best focus is not used for recording and/or reproducing information for the third optical disk, and that the spot formed by the third light flux in the second best focus is used for recording and/or reproducing information for the third optical disk. Hereupon, when the first optical path difference providing structure is provided on the surface on the light source side of the objective optical element, the second best focus is preferably nearer to the objective optical element, than the first best focus.

Further, the first best focus and the second best focus satisfy the following expression (1).

$$0.05 \leqq L/f \leqq 0.35 \quad (1)$$

Where, f (mm) indicates the focal length of the objective optical element for the third light flux which passes through the first optical path difference providing structure and forms the first best focus, and L (mm) indicates the distance between the first best focus and the second best focus.

The first best focus and the second best focus more preferably satisfy the following expression (1').

$$0.10 \leqq L/f \leqq 0.25 \quad (1')$$

The first best focus and the second best focus further more preferably satisfy the following expression (1").

$$0.11 \leqq L/f \leqq 0.24 \quad (1'')$$

Further, it is preferable that L is 0.18 mm or more, and is 0.63 mm or less. Furthermore, it is preferable that f is 1.8 mm or more, and is 3.0 mm or less.

In case that the above expression (1) is satisfied, it allows to prevent the unused light which is a light not used for recording and/or reproducing information for the third optical disk, from affecting the light receiving element for the tracking operation, and enables to maintain the excellent tracking characteristics when information is recorded and/or reproduced for the third optical disk.

Further, the objective optical element converges the first light flux and the second light flux each passing through the peripheral area of the objective optical element, where the second optical path difference providing structure is provided, so as to form a light converged spot for each light flux. Preferably, the objective optical element converges the first light flux passing through the peripheral area of the objective optical element where the second optical path difference providing structure is provided onto the information recording surface of the first optical disk so that information can be recorded and/or reproduced for the first optical disk. Preferably, the objective optical element converges the second light flux passing through the peripheral area of the objective optical element where the second optical path difference providing structure is provided, onto the information recording surface of the second optical disk so that information can be recorded and/or reproduced for the second optical disk. Further, when the thickness t1of the protective substrate of the first optical disk and the thickness t2of the protective substrate of the second optical disk are different, the second optical path difference providing structure preferably cor-

rects the spherical aberration caused due to the difference between the thickness t1of the protective substrate of the first optical disk and the thickness t2of the protective substrate of the second optical disk, and/or the spherical aberration caused due to the difference of the wavelength of the first light flux and the second light flux, for the first flux and the second light flux passing through the second optical path difference providing structure.

Further, there is provided one preferable embodiment that the third light flux passing through the peripheral area is not used for recording and/or reproducing information for the third optical disk. In the embodiment, it is preferable that the third light flux passing through the peripheral area does not contribute to forming the light converged spot on the information recording surface of the third optical disk. In other words, it is preferable that the third light flux passing through the peripheral area comprising the second optical path difference providing structure of the objective optical element, forms flare on the information recording surface of the third optical disk. FIG. **10** shows the spot formed by the third light flux passing through the objective optical element on the information recording surface of the third optical disk. The spot shown in FIG. **10** comprises, in order from the optical axis side (or the central part of the spot) to the outside of the spot, the central spot portion SCN whose light density is high, the intermediate spot portion SMD whose light density is lower than the central spot portion, and the peripheral spot portion SOT whose light density is higher than the intermediate spot portion and lower than the central spot portion. The central spot portion is used for recording and/or reproducing information for an optical disk, and the intermediate spot portion and the peripheral spot portion are not used for recording and/or reproducing information for a optical disk. In the above description, this peripheral spot portion can be called flare. That is, the third light flux passing through the second optical path difference providing structure provided in the peripheral area of the objective optical element, forms the peripheral spot portion on the information recording surface of the third optical disk. Hereupon, it is preferable that the light converging spot or the spot of the third light flux in the above is a spot in the first best focus. Further, it is preferable that the second light flux passing through the objective optical element, forms a spot on the information recording surface of the second optical disk, which comprises a central spot portion, an intermediate spot portion, and a peripheral spot portion.

Further, it is preferable that the second optical path difference providing structure corrects the spherochromatism (chromatic spherical aberration) caused due to the slightly fluctuating wavelength of the first light source or the second light source. The slight fluctuation of the wavelength means the fluctuation within ±10 nm. For example, when the first light flux changes by ±5 nm from the wavelength λ1, it is preferable that the second optical path difference providing structure corrects the fluctuation of the spherical aberration of the first light flux passing through the peripheral area and the amount of the fluctuation of the spherical aberration on the information recording surface of the first optical disk is 0.010 λ1 rms or more, and is 0.095 λ1 rms or less. Further, when the second light flux changes by ±5 nm from the wavelength λ2, it is preferable that the second optical path difference providing structure corrects the fluctuation of the spherical aberration of the second light flux passing through the peripheral area and the amount of the fluctuation of the spherical aberration on the information recording surface of the second optical disk is 0.002 λ2 rms or more, and is 0.03 λ2 rms or less. Therefore, the aberration due to the fluctuation of the wavelength by the manufacturing error of the wavelength of the laser diode which is a light source, or the individual difference of the laser diode can be corrected.

When the objective optical element comprises the most peripheral area, the objective optical element converges the first light flux passing through the most peripheral area of the objective optical element, onto the information recording surface of the first optical disk so that information can be recorded and/or reproduced for the first optical disk. Further, the spherical aberration in the first light flux passing through the most peripheral area, is preferably corrected when recording and/or reproducing information for the first optical disk is conducted.

Further, there is provided a preferable embodiment that the second light flux passing through the most peripheral area is not used for recording and/or reproducing information for the second optical disk, and that the third light flux passing through the most peripheral area is not used for recording and/or reproducing information for the third optical disk. In the embodiment, it is preferable that the second light flux and the third light flux each passing through the most peripheral area do not contribute to forming the light converged spots on respective information recording surface of the second optical disk and the third optical disk. That is, when the objective optical element comprises the most peripheral area, the third light flux passing through the most peripheral area of the objective optical element preferably forms flare on the information recording surface of the third optical disk. In other words, the third light flux passing through the most peripheral area of the objective optical element, preferably forms the peripheral spot portion on the information recording surface of the third optical disk. Further, when the objective optical element comprises the most peripheral area, the second light flux passing the most peripheral area of the objective optical element preferably forms flare on the information recording surface of the second optical disk. In other words, the second light flux which has passed through the most peripheral area on the objective optical element, preferably forms the peripheral spot portion on the information recording surface of the second optical disk.

When the most peripheral area comprises the third optical path difference providing structure, the third optical path difference providing structure may correct the sperochromatism (chromatic spherical aberration) caused due to the slightly fluctuated wavelength of the first light source. The slight fluctuation of the wavelength means a fluctuation within ±10 nm. For example, when the first light flux changes by ±5 nm from the wavelength λ1, it is preferable that the third optical path difference providing structure corrects the fluctuation of the spherical aberration of the first light flux passing through the peripheral area and the amount of the fluctuation of the spherical aberration on the information recording surface of the first optical disk is 0.010 λ1 rms or more, and is 0.095 λ1 rms or less.

Hereupon, the first optical path difference providing structure may be the structure in which the serrated shaped diffractive structure and the binary structure overlap with each other. Further, the second optical path difference providing structure may be the structure in which the serrated shaped diffractive structure and the rougher (its pitch is larger) serrated shaped diffractive structure overlap with each other. When the first optical path difference providing structure is the overlapped structure, the serrated shaped diffractive structure may provide optical path difference corresponding to the even times of the first wavelength λ1 of the first light flux, so as not to provide a change in a phase of the wavefront of the first light flux. When the second optical path difference pro-

viding structure is the overlapped structure, the finer serrated shaped diffractive structure (with smaller pitch) may provide optical path difference corresponding to the even times of the first wavelength λ1 of the first light flux, so as not to provide a change in a phase of the wavefront of the first light flux. Further, when the third wavelength λ3 of the third light flux is the wavelength which is about even times of the first wavelength of the first light flux, the integer times optical path difference is provided with the third light flux and it does not cause phase change in the wavefront of the third light flux. This structure provides an advantage that the above diffractive structure does not affect converging light spot of the first light flux and the third light flux. Hereupon, a value corresponding to the even times indicates a value which is (2n−0.1)×λ1 or more, and is (2n+0.1)×λ1 or less, where n is a natural number.

The first optical path difference providing structure may be the structure in which at least the first basic structure and the second basic structure overlap with each other.

The first basic structure is the optical path difference providing structure which emits a second-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the first light flux passes through the first basic structure, which emits a first-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the second light flux passes through the first basic structure, and which emits a first-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the third light flux passes through the first basic structure. The first basic structure is preferably the optical path difference providing structure which emits the first light flux and the third light flux each of which passes through the first basic structure with their wavefront substantially being even, and which emits the second light flux which passes through the first basic structure with the wavefront substantially being uneven. Further the first basic structure is preferably the optical path difference providing structure which makes a diffraction angle of the second light flux passing through the first basic structure different from the diffraction angles of the first light flux and the third light flux each passing through the first basic structure. The step amount in the direction of the optical axis of the step in the first basic structure is preferably the step amount providing optical path difference which is about two times of the first wavelength for the first light flux, also providing optical path difference which is about 1.2 times of the second wavelength for the second light flux and further providing optical path difference which is about 1 time of the third wavelength for the third light flux.

Further, the second basic structure is the optical path difference providing structure which emits a 0-th-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the first light flux passes through the second basic structure, which emits a 0-th-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the second light flux passes through the second basic structure, and which emits a ±1st order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the third light flux passes through the second basic structure. The second basic structure is preferably the optical path difference providing structure which emits the first light flux and the second light flux each of which passes through the second basic structure with their wavefront substantially being even, and which emits the third light flux which passes through the second basic structure with the wavefront substantially being uneven. Further the second basic structure is preferably the optical path difference providing structure which makes a diffraction angle of the third light flux passing through the second basic structure different from the diffraction angles of the first light flux and the second light flux each passing through the second basic structure. The step amount in the direction of the optical axis of the step in the second basic structure is preferably the step amount providing optical path difference which is about five times of the first wavelength for the first light flux, also providing optical path difference which is about three times of the second wavelength for the second light flux and further providing optical path difference which is about 2.5 times of the third wavelength for the third light flux. Further, the shape of the second basic structure is preferably a binary structure shape as shown in FIG. 2(*b*) as an example.

Further, it is preferable that the second optical path difference providing structure is the structure which comprises any one structure selected from the group including at least the first basic structure, the fifth basic structure and the sixth basic structure. It is preferable that the second optical path difference providing structure is not the structure which overlaps two or more of the first basic structure, the fifth basic structure and the sixth basic structure. When the second optical path difference providing structure at least comprises the first basic structure, the second optical path difference providing structure has the same basic structure as the first optical path difference providing structure. Therefore, it makes the design work easy, which is preferable.

The fifth basic structure is the optical path difference providing structure which emits a first-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the first light flux passes through the fifth basic structure, which emits a first-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the second light flux passes through the fifth basic structure, and which emits a first-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the third light flux passes through the first fifth structure. The step amount in the direction of the optical axis of the step in the fifth basic structure is preferably the step amount providing optical path difference which is about one time of the first wavelength for the first light flux, also providing optical path difference which is about 0.6 times of the second wavelength for the second light flux and further providing optical path difference which is about 0.5 times of the third wavelength for the third light flux.

The sixth basic structure is the optical path difference providing structure which emits a third-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the first light flux passes through the sixth basic structure, which emits a second-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the second light flux passes through the sixth basic structure, and which emits a second order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the third light flux passes through the sixth basic structure. The step amount in the direction of the optical axis of the step in the sixth basic structure is preferably the step amount providing optical path difference which is about three times of the first wavelength for the first light flux, also providing optical path difference which is about 1.9 times of the second wavelength for the second light flux and

further providing optical path difference which is about 1.6 times of the third wavelength for the third light flux.

When the objective optical element is a plastic lens, it is preferable that the first optical path difference providing structure is triple overlapped structure in which three kinds of basic structures overlap with each other. More specifically, it is preferable that the triple basic structure is formed by overlapping the third basic structure, the fourth basic structure or the seventh basic structure with the first basic structure and the second basic structure. More preferably, the triple overlapped structure is formed by overlapping the third basic structure with the first basic structure and the second basic structure.

Hereupon, the third basic structure is the optical path difference providing structure which emits a tenth-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the first light flux passes through the third basic structure, which emits a sixth-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the second light flux passes through the third basic structure, and which emits a fifth-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the third light flux passes through the third basic structure. The step amount in the direction of the optical axis of the step in the third basic structure is preferably the step amount providing optical path difference which is about ten times of the first wavelength for the first light flux, also providing optical path difference which is about six times of the second wavelength for the second light flux and further providing optical path difference which is about five times of the third wavelength for the third light flux. Further, the fourth basic structure is the optical path difference providing structure which emits a fifth-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the first light flux passes through the fourth basic structure, which emits a third-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the second light flux passes through the fourth basic structure, and which emits third and second order diffracted light fluxes each with a larger light amount than any diffracted light fluxes with the other diffraction order, when the third light flux passes through the fourth basic structure. It is preferable that the light amount of the third diffracted light flux is slightly larger than that of the second order diffracted light flux in the third light flux. The step amount in the direction of the optical axis of the step in the fourth basic structure is preferably the step amount providing optical path difference which is about five times of the first wavelength for the first light flux, also providing optical path difference which is about three times of the second wavelength for the second light flux and further providing optical path difference which is about 2.5 times of the third wavelength for the third light flux. Further, the seventh basic structure is the optical path difference providing structure which emits a second-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the first light flux passes through the fourth basic structure, which emits a first-order diffracted light flux with a larger light amount than any diffracted light fluxes with the other diffraction order, when the second light flux passes through the fourth basic structure, and which emits first order diffracted light fluxes each with a larger light amount than any diffracted light fluxes with the other diffraction order, when the third light flux passes through the fourth basic structure. The step amount in the direction of the optical axis of the step in the seventh basic structure is preferably the step amount providing optical path difference which is about two times of the first wavelength for the first light flux, also providing optical path difference which is about 1.2 times of the second wavelength for the second light flux and further providing optical path difference which is about one time of the third wavelength for the third light flux. Further, the third basic structure, the fourth basic structure and the seventh basic structure have the function so as to make the spherical aberration under-corrected, when the temperature increases and the wavelength of the first light source, the second light source, and the third light source increases. Thereby, it can compensate the over-corrected spherical aberration caused with the refractive index lowering of the plastic at the time of temperature rise, and it allows to provide an excellent the spherical aberration. Hereupon, the depth of the step in the fourth basic structure and the seventh basic structure can be decreased as compared to that of the third basic structure. It is preferable that the third basic structure, the fourth basic structure and the seventh basic structure are provided on a basic surface (a basic aspheric surface) which is different from a basic surface (a basic aspheric surface) on which the first basic structure, the second basic structure, the fifth basic structure and the sixth basic structure are provided. Further, it is preferable that the third basic structure, the fourth basic structure and the seventh basic structure are provided on the basic surface which is designed so that the third basic structure, the fourth basic structure and the seventh basic structure does not influence as much as possible in the direction of the light flux incident to the objective optical element. Further it is preferable that the third basic structure, the fourth basic structure and the seventh basic structure are the structure in which the depth of the structure in the direction of the optical axis becomes deeper as farther from the optical axis in the direction perpendicular to the optical axis till one point, and then in the area farther from the optical axis than the one point, the depth of the structure in the direction of the optical axis becomes shallower as farther from the optical axis in the direction perpendicular to the optical axis.

Further, when the objective optical element is a plastic lens, it is preferable that the second optical path difference providing structure is formed by overlapping any one of the third basic structure, the fourth basic structure and the seventh basic structure with any one of the first basic structure, a fifth basic structure, and a sixth basic structure. It is more preferable that the second optical path difference providing structure is formed by overlapping the fourth basic structure with the first basic structure.

Further, when the objective optical element is the plastic lens, it is preferable that the objective optical element comprises the most peripheral area comprising the third optical path difference providing structure. In this case, it is preferable that the third optical path difference providing structure is the structure at least having any one of the third basic structure, the fourth basic structure and the seventh basic structure. Preferably, the third optical difference providing structure comprises the fourth basic structure.

Accordingly, when the objective optical element is the plastic lens, there is provided one preferable embodiment that the first optical path difference providing structure is the triple overlapped structure formed by overlapping three kinds of basic structures, the second optical path difference providing structure is the double overlapped structure formed by two kinds of basic structures, and the third optical path difference providing structure has only one kind basic structure.

Further, when the objective optical element is a glass lens or a lens formed of athermal resin, it is preferable that the first

optical path difference providing structure is the structure formed by overlapping only the first basic structure and the second basic structure.

Further, when the objective optical element is a glass lens or a lens formed of athermal resin, it is preferable that the second optical path difference providing structure is the structure formed by overlapping any one of the third structure and the fourth structure with any one of the first basic structure, the fifth basic structure or the sixth basic structure. Preferably, it is the structure formed by overlapping the first basic structure and the fourth basic structure.

Further, when the objective optical element is a glass lens or a lens formed of athermal resin, it is preferable that the objective optical element comprises the most peripheral area which is the refractive surface.

It is preferable that the first optical path difference providing structure is a ring-shaped structure comprising plural ring-shaped zones with steps which are arranged concentrically. When the objective optical element is a plastic lens, it is preferable that the steps in the first optical path difference providing structure have at least two kinds of step amounts selected from dA, dB, dC, and dD represented by the following expressions.

$$0.9\times(15\lambda B/(n-1)-2\lambda B'/(n'-1))<dA(\mu m)<1.5\times(15\lambda B/(n-1)-2\lambda B'/(n'-1)) \quad (17)$$

$$0.9\times(5\lambda B/(n-1)+2\lambda B'/(n'-1))<dB(\mu m)<1.5\times((5\lambda B/(n-1)+2\lambda B'/(n'-1)) \quad (18)$$

$$0.9\times5\lambda B/(n-1)<dC(\mu m)<1.5\times5\lambda B/(n-1) \quad (19)$$

$$0.9\times(5\lambda B/(n-1)-2\lambda B'/(n'-1))<dD(\mu m)<1.5\times(5\lambda B/(n-1)-2\lambda B'/(n'-1)) \quad (20)$$

Where, dA preferably satisfies the following expression (17').

$$0.95\times(15\lambda B/(n-1)-2\lambda B'/(n'-1))<dA(\mu m)<1.4\times(15\lambda B/(n-1)-2\lambda B'/(n'-1)) \quad (17')$$

Further, dA more preferably satisfies the following expression (17").

$$1.0\times(15\lambda B/(n-1)-2\lambda B'/(n'-1))\leqq dA(\mu m)<1.3\times(15\lambda B/(n-1)-2\lambda B'/(n'-1)) \quad (17'')$$

Where, dB preferably satisfies the following expression (18').

$$0.95\times(5\lambda B/(n-1)+2\lambda B'/(n'-1))<dB(\mu m)<1.4\times((5\lambda B/(n-1)+2\lambda B'/(n'-1)) \quad (18')$$

Further, dB more preferably satisfies the following expression (18").

$$1.0\times(5\lambda B/(n-1)+2\lambda B'/(n'-1))\leqq dB(\mu m)<1.3\times((5\lambda B/(n-1)+2\lambda B'/(n'-1)) \quad (18'')$$

Where, dC preferably satisfies the following expression (19').

$$0.95\times5\lambda B/(n-1)<dC(\mu m)<1.4\times5\lambda B/(n-1) \quad (19')$$

Further, dC more preferably satisfies the following expression (19").

$$1.0\times5\lambda B/(n-1)\leqq dC(\mu m)<1.3\times5\lambda B/(n-1) \quad (19'')$$

Where, dD preferably satisfies the following expression (20').

$$0.95\times(5\lambda B/(n-1)-2\lambda B'/(n'-1))<dD(\mu m)<1.4\times(5\lambda B/(n-1)-2\lambda B'/(n'-1)) \quad (20')$$

Further, dD more preferably satisfies the following expression (20").

$$1.0\times(5\lambda B/(n-1)-2\lambda B'/(n'-1))\leqq dD(\mu m)<1.3\times(5\lambda B/(n-1)-2\lambda B'/(n'-1)) \quad (20'')$$

Where, λB represents a design wavelength (μm); % B' represents an arbitral value which is 0.390 μm or more, and is 0.410 μm or less; n represents a refractive index of the objective optical element for the design wavelength λB; and n' represents a refractive index of the objective optical element for a wavelength λB'.

Further, λB may represent the wavelength (μm) of the first light source arranged in the optical pickup apparatus, that is using wavelength, if it is difficult to perceive the design wavelength; and λB' preferably represents an arbitral value which is 0.390 μm or more, and is 0.405 μm or less. More preferably, λB' represents an arbital value which is 0.390 μm or more, and is 0.400 μm or less.

In the specification, the step amount means a length of the step in the optical path difference providing structure in the direction of the optical axis. For example, when the optical path difference providing structure is the structure shown in FIG. **12**, examples of the step amount are each length of **d1**, **d2**, **d3**, and **d4**. "The steps in the first optical path difference providing structure have at least two kinds of step amounts selected from dA, dB, dC, and dD" means that at least one step x in the entire of the steps in the first optical path difference providing structure has the step amount satisfying any one of dA, dB, dC, and dD, and the other step y has the step amount satisfying any one of dA, dB, dC, and dD, which differs from the step amount of the step x.

It is preferable that there is no step having the step amount other than dA, dB, dC, and dD in the first optical path difference providing structure. It is further preferable that the step amount is not excessively large, from the viewpoint of easy manufacture of the die for the optical path difference providing structure and from the viewpoint of excellent transfer of the die. Therefore, it is more preferable that the entire of steps in the first optical path difference providing structure are composed of the steps having the step amounts satisfying only dC and dD.

When designing an optical element according to the present invention, it can be considered to design it with the following method. First, the basic structure which is an optical path difference providing structure comprising a ring-shaped structure, is designed. Next, another basic structure is designed and the another basic structure comprises a ring-shaped structure which emits different order diffracted light flux with the maximum light amount for some wavelength from the diffracted light flux with the maximum light amount emitted from the former basic structure. Then, the first optical path difference providing structure or the second optical path difference providing structure can be designed by overlapping these two basic structures (they may be three basic structures) with each other. When designing the optical path difference providing structure using this method, there is a possibility that a ring-shaped zone with small pitch width appears. For example, the optical path difference providing structure shown in FIG. **14**(*c*) can be obtained by overlapping the basic structure shown in FIG. **14**(*a*) and the basic structure shown in FIG. **14**(*b*). However, there appears a small ring-shaped zone with a small pitch width which is shown as Wa in FIG. **14**(*c*) in the obtained structure. Here, the pitch width means a width of the ring-shaped zone in the direction perpendicular to the optical axis of the optical element. For example, when the optical path difference providing structure is a structure shown in FIG. **12**, examples of the pitch width are each length of **w1**, **w2**, **w3**, and **w4**. When the optical path

difference providing structure is a structure shown in FIG. 13, examples of the pitch width are each length of w5, w6, w7, w8, and w9.

The inventors of the present invention found as a result of earnest study that when the ring-shaped zone has width Wa of 5 μm or less, the ring-shaped zone can be removed or filled without giving bad effect to the optical characteristics. Namely, in the structure shown in FIG. 14(*c*), the optical characteristics is not substantially affected, even when the small pitch width in which Wa is 5 μm or less is removed.

Further, it is preferable that the pitch width of the step is not excessively small, from the viewpoint of manufacturing the die easily and transferring the die in good condition. Therefore, when an ring-shaped zone with the pitch width of 5 μm or less appears in the primitive optical path difference providing structure designed by overlapping plural basic structures, it is preferable that the ring-shaped zone with the pitch width of 5 μm or less is removed to obtain the final version of the optical path difference providing structure. When the ring-shaped zone with the pitch width of 5 μm or less is the protruded shape, the ring-shaped zone can be removed by cutting out. When the ring-shaped zone with the pitch width of 5 μm or less is the depressed shape, the ring-shaped zone can be removed by filling up.

Accordingly, at least the first optical path difference providing structure are composed of the ring-shaped zones whole of which have pitch width of 5 μm or more. Preferably, the second optical path difference providing structure and the third optical path difference providing structure also are composed of the ring-shaped zones whole of which have pitch width of 5 μm or more.

As described above, it is preferable that the step amount is not excessively large. The inventors of the present invention found the followings as a result of earnest study. When the primitive optical path difference providing structure obtained by overlapping plural basic structures has one ring-shaped zone with a step amount being larger than the reference value, the excessively large step amount can be reduced without bad effect to the optical characteristics by making the step amount of the ring-shaped zone small by $10\cdot\lambda B/(n-1)$ μm. Although an arbitral value is set for the reference value, the reference value is preferably set to $10\cdot\lambda B/(n-1)$ μm.

From a viewpoint that fewer thin ring-shaped zones are preferable, it is preferable that the entire of the ring shaped zones of the first optical path difference providing structure satisfies that the value of (step amount/pitch width) is preferably 1 or less, and more preferably is 0.8 or less. Further more preferably, the entire of the ring shaped zones of all of the optical path difference providing structures satisfies that the value of (step amount/pitch width) is preferably 1 or less, and most preferably is 0.8 or less.

NA1 represents the image side numerical aperture of the objective optical element, necessary for reproducing and/or recording information for the first optical disk. NA2 (NA1≧NA2) represents that the image side numerical aperture of the objective optical element necessary for reproducing and/or recording for the information to the second optical disk. NA3 (NA2>NA3) represents that the image side numerical aperture of the objective optical element necessary for reproducing and/or recording information for the third optical disk. It is preferable that NA1 is one of: 0.8 or more, and 0.9 or less; and 0.55 or more, and 0.7 or less. Specifically, preferable NA1 is 0.85. It is preferable that NA2 is 0.55 or more, and is 0.7 or less. Specifically, preferable NA2 is 0.60. Further, it is preferable that NA3 is 0.4 or more, and is 0.55 or less. Specifically, preferable NA3 is 0.45 or 0.53.

It is preferable that the border of the central area and the peripheral area in the objective optical element is formed in a portion corresponding to the range being 0.9·NA3 or more and being 1.2·NA3 or less (more preferably, 0.95·NA3 or more, and 1.15·NA3 or less) for the third light flux. More preferably, the border of the central area and the peripheral area of the objective optical element is formed in a portion corresponding to NA3. Further, it is preferable that the border of the peripheral area and the most peripheral area of the objective optical element is formed in a portion corresponding to the range being 0.9·NA2 or more, and being 1.2·NA2 or less (more preferably, being 0.95·NA2 or more, and being 1.15·NA2 or less) for the second light flux. More preferably, the border of the peripheral area and the most peripheral area of the objective optical element is formed in a portion corresponding to NA2. It is preferable that the border of the outside of the most peripheral area of the objective optical element is formed in a portion corresponding to the range being than 0.9·NA1 or more, and being 1.2·NA1 or less (more preferably, being 0.95·NA1 or more, and being 1.15·NA1 or less) for the first light flux. More preferably, the border of the outside of the most peripheral area of the objective optical element is formed in a portion corresponding to NA1.

When the third light flux passing through the objective optical element is converged on the information recording surface of the third optical disk, it is preferable that the spherical aberration has at least one discontinuous portion. In that case, it is preferable that the discontinuous portion exists in the range being 0.9·NA3 or more, and being 1.2·NA3 or less (more preferably, being 0.95·NA3 or more, and being 1.15·NA3 or less) for the third light flux. Further, also when the second light flux passing through the objective optical element is converged on the information recording surface of the second optical disk, it is preferable that the spherical aberration has at least one discontinuous portion. In that case, it is preferable that the discontinuous portion exists in the range being 0.9·NA2 or more, and being 1.2·NA2 or less (more preferably, being 0.95·NA2 or more, and being 1.1·NA2 or less) for the second light flux.

Further, when the spherical aberration is continuous and does not have the discontinuous portion, and when the third light flux passing through the objective optical element is converged on the information recording surface of the third optical disk, it is preferable that the absolute value of the vertical spherical aberration is 0.03 μm or more in NA2, and the absolute value of the vertical spherical aberration is 0.02 μm or less in NA3. More preferably, the absolute value of the vertical spherical aberration is 0.08 μm or more in NA2, and the absolute value of the vertical spherical aberration is 0.01 μm or less in NA3. Further, when the second light flux passing through the objective optical element is converged on the information recording surface of the second optical disk, it is preferable that the absolute value of the vertical spherical aberration is 0.03 μm or more in NA1, and the absolute value of the vertical spherical aberration is 0.005 μm or less in NA2.

Further, because the diffraction efficiency depends on the depth (step amount) of the ring shaped zone in the diffractive structure, the diffraction efficiency of the central area for each wavelength can be appropriately set corresponding to the use of the optical pickup apparatus. For example, in the case of the optical pickup apparatus for recording and reproducing information on the first optical disk, and only for reproducing information on the second and the third optical disks, it is preferable that the diffraction efficiency of the central area and/or the peripheral area is defined with considering primarily the diffraction efficiency for the first light flux. On the other hand, in the case of the optical pickup apparatus only for

reproducing information on the fist optical disks and for recording and reproducing information on the second and third optical disks, it is preferable that the diffraction efficiency of the central area is defined with considering primarily the diffraction efficiency for the second and third light fluxes and the peripheral area is defined with considering primarily the diffraction efficiency for the second light flux.

In any case, when the following conditional expression (11) is satisfied, the diffraction efficiency of the first light flux calculated by the area weighted mean can be secured high.

$$\eta 11 \leqq \eta 21 \quad (11)$$

Where, $\eta 11$ expresses the diffraction efficiency of the first light flux in the central area, $\eta 21$ expresses the diffraction efficiency of the first light flux in the peripheral area. Hereupon, when the diffraction efficiency of the central area is defined with considering primarily the light fluxes with the second and the third wavelengths, the diffraction efficiency of the first light flux of the central area is decreased. However, in the case where the numerical aperture of the first optical disk is larger than the numerical aperture of the third optical disk, when considered on the whole effective diameter of the first light flux, the diffraction efficiency decrease of the central area does not give so much large influence.

Hereupon, the diffraction efficiency in the present specification can be defined as follows.

(1) The transmittance of an objective optical element excluding the first and the second optical path difference providing structures is measured with being divided into the central area and the peripheral area. The objective optical element without the first and the second optical path difference providing structures has a focal length, a lens thickness, a numerical aperture, a material which are the same to the objective optical element having the first and the second optical path difference providing structures. In this case, the transmittance of the central area is measured with the light flux which enters into the peripheral area being shielded, and the transmittance of the peripheral area is measured with the light flux which enters into the central area being shielded.

(2) The transmittance of the objective optical element having the first and the second optical path difference providing structures is measured with being divided into the central area and the peripheral area.

(3) The diffraction efficiencies of both areas are obtained by dividing the results of (2) is divided by the respective results of (1).

Further, the light utilization efficiency of any two light fluxes of the first light flux to the third light flux may be 80% or more, and the light utilization efficiency of the remaining one light flux may be 30% or more, and 80% or less. The light utilization efficiency of the remaining one light flux may also be 40% or more, and 70% or less. In this case, it is preferable that the light utilization efficiency of the third light flux is 30% or more, and 80% or less (or 40% or more, and 70% or less) is.

Hereupon, the light utilization efficiency described in this specification is calculated as follows. It is defined that the objective lens which includes the first optical path difference providing structure and the second optical path difference providing structure (which may further include the third optical path difference providing structure) forms an air disk whose light amount is A, on the information recording surface. It is further defined that the objective lens which is formed of the same material to the former objective lens and has the same focal length, axial thickness, numerical aperture, and wavefront aberration to the former objective lens and which does not includes the first optical path difference providing structure, the second optical path difference providing structure, and the third optical path difference providing structure, forms an air disk whose light amount B, on the information recording surface. The light utilization efficiency described in this specification is obtained by calculating A/B. Where, the above described airy disk is the circle with a radius r' formed around the optical axis of the light converged spot. The radius r' is expressed by $r'=0.61\cdot\lambda/NA$.

Further, it is difficult that the tracking characteristic particularly in the third optical disk is maintained in the good condition when there is provided the light amount difference being 0% or more, and 20% or less between the diffracted light flux with a diffraction order having the largest light amount and the diffracted light flux with another diffraction order having the second largest light amount in the third light flux which has passed through the first optical path difference providing structure, that is, the difference between the diffracted light flux forming the first best focus, and the diffracted light flux forming the second best focus. However, the embodiment of the present invention can provide a excellent tracking characteristics under the above described condition.

Each of the first light flux, the second light flux and the third light flux may enters into the objective optical element as a collimated light flux, or may also enter into the objective optical element as a divergent light flux or a convergent light flux. Preferably, the magnification m1 of the objective optical element when the first light flux enters into the objective optical element satisfies the following expression (2).

$$-0.02<m1<0.02 \quad (2)$$

On the one hand, when the first light flux is made incident on the objective optical element as the divergent light, it is preferable that the magnification m1 of the incident light flux of the first light flux on the objective optical element satisfies the following expression (2').

$$-0.10<m1<0.00 \quad (2')$$

Further, when the second light flux enters into the objective optical element as the collimated light flux or substantially collimated light flux, it is preferable that the magnification m2 of the objective optical element when the second light flux enters into the objective optical element satisfies the following expression (3).

$$-0.02<m2<0.02 \quad (3)$$

On the one hand, when the second light flux is made incident on the objective optical element as the divergent light, it is preferable that the magnification m2 of the incident light flux of the second light flux on the objective optical element satisfies the following expression (3').

$$-0.10<m2<0.00 \quad (3')$$

Further, when the third light flux enters into the objective optical element as a collimated light flux or substantially collimated light flux, it is preferable that the magnification m3 of the objective optical element when the third light flux enters into the objective optical element satisfies the following expression (4). When the third light flux is a collimated light flux, a problem is easily caused in the tracking operation. However, even when the third light flux is a collimated light flux, the embodiment of the present invention can obtain the good tracking characteristics, and information can be adequately recorded and/or reproduced for the three different optical disks.

$$-0.02<m3<0.02 \quad (4)$$

On the one hand, when the third light flux enters into the objective optical element as a divergent light flux, it is preferable that the magnification m3 of the objective optical element when the third light flux enters into the objective optical element satisfies the following expression (5).

$$-0.10<m3<0.00 \quad (5)$$

Further, when the objective optical element is a single plastic lens, it is preferable that the temperature characteristic makes good even if some wavelength characteristics is sacrificed. Particularly, it is preferable to maintain a good balance between the wavelength and temperature characteristics. It is more preferable to maintain the temperature characteristic when recording and/or reproducing information for the first optical disk, is made good. In order to satisfy such a characteristic, it is preferable to satisfy the following conditional expressions (12) and (13).

$$+0.00045(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT1/f\leqq+0.0027(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (12)$$

$$-0.045(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm}))\geqq\delta SA\lambda/f\leqq-0.0045(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm})) \quad (13)$$

Where, δSAT1 represents δSA3/δT of the objective optical element for a using light wavelength (In this case, it is defined that the wavelength does not changes with the temperature change), in case that information is recorded and/or reproduced for the first optical disk. The using wavelength means a wavelength of the first light flux emitted from the first light source arranged in the optical pickup apparatus comprising the objective optical element. The preferable using wavelength is in the range being 400 nm or more, and being 415 nm or less, and is a wavelength which enables to record and/or reproduce information for the first optical disk. When the using wavelength is difficult to be set as above, the using wavelength may be set to 405 nm and δSAT1 of the objective optical element and δSAT2 and δSAT3 of the objective optical element which are described later, may be obtained. In other words, δSAT1 is a ratio of a change in a third spherical aberration of the objective optical element with a temperature change (temperature characteristics) for a using light wavelength which does not change with temperature change, in case that information is recorded and/or reproduced for the first optical disk. Here, WFE means that the third spherical aberration is represented by using the wavelength aberration. δSAλ represents δSA3/δλ when information is recorded and/or reproduced for the first optical disc by the using wavelength under the condition that the ambient temperature is constant. In other words, δSAλ represents a change in the third spherical aberration of the objective optical element with the wavelength change (wavelength characteristics) when information is recorded and/or reproduced for the first optical disk by the using wavelength under the condition that the ambient temperature is constant. Here, it is preferable that the ambient temperature is a room temperature. The room temperature indicates 10° C. or more, and 40° C. or less, and preferably indicates 25° C. In above expressions, f is a focal length of the objective optical element for the using wavelength of the first light flux, which is preferably 405 nm.

More preferably, the following conditional expression (12') is satisfied.

$$+0.00091(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT1/f\leqq+0.0018(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (12')$$

Further preferably, the following conditional expression (12") is satisfied.

$$+0.0013(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT1/f\leqq+0.0016(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (12")$$

Preferably, the following conditional expression (12'") is satisfied.

$$|\delta SAT1|\leqq0.002(WFE\lambda\text{rms}/°\text{ C.}) \quad (12''')$$

Preferably, the following conditional expression (13') is satisfied, more preferably, the following conditional expression (13") is satisfied.

$$-0.032(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm}))\leqq\leqq\delta SA\lambda/f\leqq-0.0091(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm})) \quad (13')$$

$$-0.015(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm}))\leqq\delta SA\lambda/f\leqq-0.011(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm})) \quad (13")$$

Preferably, the following conditional expression (13'") is satisfied, and more preferably, the following conditional expression (13"") is satisfied.

$$0.01(WFE\lambda\text{rms/nm})\leqq|\delta SA\lambda|<0.1(WFE\lambda\text{rms/nm}) \quad (13''')$$

$$0.02(WFE\lambda\text{rms/nm})\leqq|\delta SA\lambda|<0.1(WFE\lambda\text{rms/nm}) \quad (13'''')$$

Describing furthermore, it is preferable that the objective optical element has the wavelength dependency of the spherical aberration so as to correct the change in the spherical aberration due to the refractive index change of the objective optical element caused with the temperature change by the change of the first wavelength due to the temperature change. Preferably, the following conditional expression (14) is satisfied.

$$0(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT2/f\leqq+0.00136(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (14)$$

Where, δSAT2 represents δSA3/δT of the objective optical element for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with a temperature change, in case that information is recorded and/or reproduced for the first optical disk. In other words, δSAT2 is a ratio of a change in a third spherical aberration of the objective optical element with a temperature change for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with a temperature change in case that information is recorded and/or reproduced for the first optical disk.

More preferably, the following conditional expression (14') is satisfied.

$$0(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT2/f\leqq+0.00093(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (14')$$

Further preferably, the following conditional expression (14") is satisfied.

$$+0.0007(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT2/f\leqq+0.0009(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (14")$$

Further, when the light converging optical system of the optical pickup apparatus comprises a coupling lens such as a collimator lens, and when the coupling lens is a plastic lens, it preferably satisfies the following conditional expression (15).

$$0(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT3/f\leqq+0.00091(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (15)$$

Where, δSAT3 represents δSA3/δT of a total optical system including the coupling lens and the objective optical element for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with a temperature change, in case that information is recorded and/or reproduced for the first optical disk. In other words, δSAT3 is a ratio of a change in a third spherical aberration of a total optical system including the coupling lens and the objective optical element with a temperature change (temperature characteristics) for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with the temperature change, in case that information is recorded and/or reproduced for the first optical disk.

On the one hand, when the third light flux enters into the objective optical element as a divergent light flux, it is preferable that the magnification m3 of the objective optical element when the third light flux enters into the objective optical element satisfies the following expression (5).

$$-0.10<m3<0.00 \quad (5)$$

Further, when the objective optical element is a single plastic lens, it is preferable that the temperature characteristic makes good even if some wavelength characteristics is sacrificed. Particularly, it is preferable to maintain a good balance between the wavelength and temperature characteristics. It is more preferable to maintain the temperature characteristic when recording and/or reproducing information for the first optical disk, is made good. In order to satisfy such a characteristic, it is preferable to satisfy the following conditional expressions (12) and (13).

$$+0.00045(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT1/f\leqq+0.0027(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (12)$$

$$-0.045(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm}))\geqq\delta SA\lambda/f\leqq-0.0045(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm})) \quad (13)$$

Where, δSAT1 represents δSA3/δT of the objective optical element for a using light wavelength (In this case, it is defined that the wavelength does not changes with the temperature change), in case that information is recorded and/or reproduced for the first optical disk. The using wavelength means a wavelength of the first light flux emitted from the first light source arranged in the optical pickup apparatus comprising the objective optical element. The preferable using wavelength is in the range being 400 nm or more, and being 415 nm or less, and is a wavelength which enables to record and/or reproduce information for the first optical disk. When the using wavelength is difficult to be set as above, the using wavelength may be set to 405 nm and δSAT1 of the objective optical element and δSAT2 and δSAT3 of the objective optical element which are described later, may be obtained. In other words, δSAT1 is a ratio of a change in a third spherical aberration of the objective optical element with a temperature change (temperature characteristics) for a using light wavelength which does not change with temperature change, in case that information is recorded and/or reproduced for the first optical disk. Here, WFE means that the third spherical aberration is represented by using the wavelength aberration. δSAλ represents δSA3/δλ when information is recorded and/or reproduced for the first optical disc by the using wavelength under the condition that the ambient temperature is constant. In other words, δSAλ represents a change in the third spherical aberration of the objective optical element with the wavelength change (wavelength characteristics) when information is recorded and/or reproduced for the first optical disk by the using wavelength under the condition that the ambient temperature is constant. Here, it is preferable that the ambient temperature is a room temperature. The room temperature indicates 10° C. or more, and 40° C. or less, and preferably indicates 25° C. In above expressions, f is a focal length of the objective optical element for the using wavelength of the first light flux, which is preferably 405 nm.

More preferably, the following conditional expression (12') is satisfied.

$$+0.00091(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT1/f\leqq+0.0018(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (12')$$

Further preferably, the following conditional expression (12") is satisfied.

$$+0.0013(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT1/f\leqq+0.0016(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (12")$$

Preferably, the following conditional expression (12'") is satisfied.

$$|\delta SAT1|\leqq0.002(WFE\lambda\text{rms}/°\text{ C.}) \quad (12''')$$

Preferably, the following conditional expression (13') is satisfied, more preferably, the following conditional expression (13") is satisfied.

$$-0.032(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm}))\leqq\leqq\delta SA\lambda/f\leqq-0.0091(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm})) \quad (13')$$

$$-0.015(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm}))\leqq\delta SA\lambda/f\leqq-0.011(WFE\lambda\text{rms}/(\text{nm}\cdot\text{mm})) \quad (13")$$

Preferably, the following conditional expression (13'") is satisfied, and more preferably, the following conditional expression (13"") is satisfied.

$$0.01(WFE\lambda\text{rms/nm})\leqq|\delta SA\lambda|<0.1(WFE\lambda\text{rms/nm}) \quad (13''')$$

$$0.02(WFE\lambda\text{rms/nm})\leqq|\delta SA\lambda|<0.1(WFE\lambda\text{rms/nm}) \quad (13'''')$$

Describing furthermore, it is preferable that the objective optical element has the wavelength dependency of the spherical aberration so as to correct the change in the spherical aberration due to the refractive index change of the objective optical element caused with the temperature change by the change of the first wavelength due to the temperature change. Preferably, the following conditional expression (14) is satisfied.

$$0(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT2/f\leqq+0.00136(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (14)$$

Where, δSAT2 represents δSA3/δT of the objective optical element for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with a temperature change, in case that information is recorded and/or reproduced for the first optical disk. In other words, δSAT2 is a ratio of a change in a third spherical aberration of the objective optical element with a temperature change for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with a temperature change in case that information is recorded and/or reproduced for the first optical disk.

More preferably, the following conditional expression (14') is satisfied.

$$0(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT2/f\leqq+0.00093(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (14')$$

Further preferably, the following conditional expression (14") is satisfied.

$$+0.0007(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT2/f\leqq+0.0009(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (14")$$

Further, when the light converging optical system of the optical pickup apparatus comprises a coupling lens such as a collimator lens, and when the coupling lens is a plastic lens, it preferably satisfies the following conditional expression (15).

$$0(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm}))\leqq\delta SAT3/f\leqq+0.00091(WFE\lambda\text{rms}/(°\text{ C.}\cdot\text{mm})) \quad (15)$$

Where, δSAT3 represents δSA3/δT of a total optical system including the coupling lens and the objective optical element for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with a temperature change, in case that information is recorded and/or reproduced for the first optical disk. In other words, δSAT3 is a ratio of a change in a third spherical aberration of a total optical system including the coupling lens and the objective optical element with a temperature change (temperature characteristics) for a using light wavelength (preferably 405 nm) which changes by 0.05 nm/° C. with the temperature change, in case that information is recorded and/or reproduced for the first optical disk.

More preferably, the following conditional expression (15') is satisfied.

$$0(WFE\lambda rms/(°\ C.\cdot mm)) \leqq \delta SAT3/f \leqq +0.00045(WFE\lambda rms/(°\ C.\cdot mm)) \quad (15')$$

More preferably, the following conditional expression (15") is satisfied.

$$+0.00005(WFE\lambda rms/(°\ C.\cdot mm)) \leqq \delta SAT3/f \leqq +0.0003(WFE\lambda rms/(°\ C.\cdot mm)) \quad (15'')$$

As described above, when the wavelength characteristic is not made so much good, the objective optical element whose temperature characteristic is excellent can be obtained. As for the wavelength characteristics, the light source whose oscillation wavelength is appropriate for the objective optical element is selected with considering the fluctuation of the oscillation wavelength of the light source, that is, the bad influence came from the fluctuation of the wavelength can be suppressed to some degree by selecting the light source whose oscillation wavelength is close to the reference wavelength. Accordingly, a low cost and simple optical pickup apparatus can be provided by combining the objective optical element as described above and the light source whose oscillation wavelength is severely selected. Further, there can be previously prepared the different kinds of the above described objective optical elements whose design wavelengths are different from each other. Therefore, it allows to provide a low cost and simple optical pickup apparatus by combining the light source and the objective optical element whose designed wavelength is adequate corresponding to the fluctuation of the oscillation wavelength of the light source. More specifically, it is preferable that the manufacturing method of the optical pickup apparatus includes: the step of dividing the objective optical elements whose temperature characteristic is excellent as described above, into a plurality of groups corresponding to the specification of the optical path difference providing structure; the step of selecting any one group of the objective optical element corresponding to the oscillation characteristics of the light source to be used; and the step of combining the light source and the selected objective optical element.

For example, there is provided the objective optical elements which are divided into groups including: the group of the objective optical elements having an optical path difference providing structure appropriate for the light source whose oscillation wavelength is deviated to plus side to the reference wavelength; a group of the objective optical elements having an optical path difference providing structure appropriate for the light source whose oscillation wavelength is close to the reference wavelength; and a group of the objective optical elements having the optical path difference providing structure appropriate for the light source whose oscillation wavelength is deviated to minus side to the reference wavelength. Then, the oscillation wavelength of the using light source is measured. The objective optical element lens is selected from the group most appropriate for the measured light source and is combined with the measured light source. These steps allows to provide the optical pickup apparatus which can adequately record and/or reproduce information, even when the temperature changes. Further, it is preferable that, the different identification marks corresponding to these groups are provided to the objective optical elements. In above description, "the specification of the optical path difference providing structure is different" means, for example, that the design wavelength of the diffractive structure is made different. However, it is to be understood that various changes and modifications will be apparent to those skilled in the art. Further, "oscillation characteristics" includes the measured value and fluctuation of the oscillation wavelength.

Further, when the manufacturing method of the above-described optical pickup apparatus is applied, and when the delivery lot of the manufactured optical pickup apparatus is inspected, it is preferable that the following conditional expression (16) is satisfied.

$$\sigma SA3 \leqq \sigma\lambda - \delta SA3\lambda_{a11} \quad (16)$$

Where, σSA3 (λrms) expresses the standard deviation of the third order spherical aberration of the light converging optical systems (from the light source to the information recording surface) each including the objective optical element of the optical pickup apparatus for the wavelength of the light source oscillated at the reference temperature and reference output. Further, σλ (nm) expresses the standard deviation of the oscillation wavelength at the reference temperature and reference output of the light sources included in the delivery lot of the optical pickup apparatus. Further, $\delta SA3\lambda_{a11}$ (λrms/nm) expresses the wavelength dependency of the third spherical aberration of the light converging optical systems (from the light source to the information recording surface) each including the objective optical element included in the delivery lot of the optical pickup apparatus.

Herein, the description will be returned to the explanation of the objective optical element. It is preferable that the objective optical element satisfies the above-described conditional expressions (12) to (15) by including the temperature characteristics correction structure. For example, in the case where the first optical path difference providing structure is the structure comprising at least any one structure selected from a group including at least the third basic structure, the fourth basic structure and the seventh basic structure, the above described conditional expressions (12) to (15) can be realized without designing the complicated optical element. Further, when the second optical path difference providing structure is the structure comprising any one structure selected from a group including at least the third basic structure, fourth basic structure and the seventh structure, the above described conditional expressions (12), (12'), (13), (13'), (13"), (14), (14'), (15), and (15') can be realized without designing the complicated optical element. Further, when the objective optical element comprises the most peripheral area comprising the third optical path difference providing structure around the peripheral area, and the third optical path difference providing structure is the structure comprising any one structure selected from a group including at least the third basic structure, the fourth basic structure and the seventh basic structure, the above-described conditional expressions (12), (12'), (13), (13'), (13"), (14), (14'), (15), and (15') can be realized without designing the complicated optical element.

Further, in the case where the image side numerical aperture (NA) of the objective optical element to the first light flux is 0.8 or more, and 0.9 or less, the effects when the above-described conditional expressions (12), (12'), (13), (13'), (13"), (14), (14'), (15), (15') are satisfied, are more conspicuous.

Further, it is preferable that the working distance (WD) of the objective optical element when the third optical disk is used, is 0.20 mm or more, and is 1.5 mm or less. The working distance of the objective optical element when the third optical disk is preferably 0.3 mm or more, and 1.0 mm or less. Next, it is preferable that the working distance (WD) of the objective optical element when the second optical disk is used, is 0.4 mm or more, and is 0.7 mm or less. The working distance is preferably that the working distance (WD) of the

objective optical element when the first optical disk is used, is 0.4 mm or more, and is 0.9 mm or less (when t1<t2, it is preferably 0.6 mm or more, and is 0.9 mm or less).

It is preferable that the entrance pupil diameter of the objective optical element is 2.8 mm or more, and is 4.5 mm or less when the first optical disk is used.

The optical information recording and reproducing apparatus according to the present invention, has the optical disk drive apparatus having the above described optical pickup apparatus.

Herein, the optical disk drive apparatus installed in the optical information recording and reproducing apparatus will be described. There is provided the optical disk drive apparatus employing a system of taking out only a tray which can hold an optical disk with the optical disk being, from the main body of the optical information recording and reproducing apparatus in which optical pickup apparatus is housed; and a system of taking out the main body of the optical disk drive apparatus in which the optical pickup apparatus is housed.

The optical information recording and reproducing apparatus using each of the above described systems, is generally provided with the following component members: an optical pickup apparatus housed in a housing; a drive source of the optical pickup apparatus such as seek-motor by which the optical pickup apparatus is moved toward the inner periphery or outer periphery of the optical disk for each housing; traveling means having a guide rail for guiding the optical pickup apparatus toward the inner periphery or outer periphery of the optical disk; and a spindle motor for rotation driving of the optical disk. However, it is to be understood that various changes and modifications will be apparent to those skilled in the art.

The optical information recording and reproducing apparatus employing the former system is provide with, other than these component members, a tray which can hold the optical disk with the optical disk being mounted thereon, and a loading mechanism for slidably moving the tray. The optical information recording and reproducing apparatus employing the latter system does not include the tray and loading mechanism, and it is preferable that each component member is provided in the drawer corresponding to chassis which can be taken out outside.

The embodiment of the present invention allows that one pickup lens to properly record and/or reproduce information for three different disks (for example, a high density optical disk using a blue-violet laser light source, DVD, and CD) with employing a simple and low-cost configuration. Further, the above embodiment allows to provide an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which can maintain accuracy of the tracking operation for all three different optical disks, even when using an infinite optical system. The above embodiment further allows to provide an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which properly record and/or reproduce information for three different disks with using a single objective lens. The above embodiment further allow to provide an optical pickup apparatus, an objective optical element, and an optical information recording reproducing apparatus which provide excellent temperature characteristics and properly record and/or reproduce information for three different disks with using a single objective lens, even when employing a plastic lens.

EXAMPLE

Referring to the drawings, the embodiment of the present invention will be described below. FIG. 3 is a view schematically showing optical pickup apparatus PU1 of the present embodiment capable of recording and/or reproducing information adequately for BD, DVD and CD which are different optical disks. The optical pickup apparatus PU1 can be mounted in the optical information recording and reproducing apparatus. Herein, the first optical disk is BD, the second optical disk is DVD, and the third optical disk is CD. Hereupon, the present invention is not limited to the present embodiment.

The optical pickup apparatus PU1 comprises objective optical element OBJ; aperture ST; collimator lens CL; polarizing dichroic prism PPS; first semiconductor laser LD1 (the first light source) which emits a laser light flux with a wavelength of 405 nm (the firs light flux) when recording/reproducing information for BD; and first light receiving element PD1 which receives the reflection light from information recording surface RL1 of BD; and laser module LM.

Further, the laser module LM comprises second semiconductor laser EP1 (the second light source) which emits the laser light flux with a wavelength of 658 nm (the second light flux) when recording and/or reproducing information for DVD; third semiconductor laser EP2 (the third light source) emitting the laser light flux with a wavelength of 785 nm (the third light flux) when recording and/or reproducing information for CD; second light receiving element DS1 which receives the reflection light flux from the information recording surface RL2 of DVD; the third light receiving element DS2 which receives the reflection light flux from the information recording surface RL3 of CD; and a prism PS.

As shown in FIG. 1 and FIG. 4, objective optical element OBJ includes central area CN including the optical axis; peripheral area MD arranged around the central area; and most peripheral area OT further arranged around the peripheral area, which are formed concentrically around the optical axis in the aspheric optical surface of the light source side of the objective optical element. Hereupon, the area ratio of the central area, peripheral area, most peripheral area shown in FIG. 1 and FIG. 4 is not expressed exactly.

Blue-violet semiconductor laser diode LD1 emits a first light flux ($\lambda 1$=405 nm) which is a divergent light flux. The divergent light flux passes through polarizing dichroic prism PPS, and is converted into a collimated light flux by collimator lens CL. The collimated light flux is converted from straight line polarized light into circular polarized light by the ¼ wavelength plate which is not shown. The diameter of the converted light flux is regulated by the aperture ST, and objective optical element OBJ forms the regulated light flux into a spot on information recording surface RL1 of BD through the protective substrate with thickness of 0.0875 mm.

The light flux on information recording surface RL1 is reflected and modulated by the information pit on the information recording surface RL1. The reflected light flux passes through objective optical element OBJ, aperture ST again, and is converted from circular polarized light into straight line polarized light by the ¼ wavelength plate which is not shown. Then, collimator lens CL convert the light flux into a convergent light flux. The convergent light flux passes through polarizing dichroic prism PPS and is converged on the light receiving surface of the first light receiving element PD1. Then, information recorded in BD can be read based on the

output signal of the first light receiving element PD1, by focusing or tracking objective optical element OBJ using biaxial actuator AC.

Red semiconductor laser EP1 emits a second light flux (λ2=658 nm) which is a divergent light flux. The divergent light flux is reflected by the prism PS and is further reflected by polarizing dichroic prism PPS. Collimator lens CL collimate the reflected light flux and the collimated light flux is converted from straight line polarized light into circular polarized light by the ¼ wavelength plate which is not shown. The converted light flux enters into objective optical element OBJ. Herein, the incident light flux is converged by the central area and the peripheral area of the objective optical element OBJ (the light flux passing through the most peripheral area is made into a flare, and forms the peripheral spot portion). The converged light flux becomes a spot on information recording surface RL2 of DVD through the protective substrate PL2 with a thickness of 0.6 mm, and forms the central spot portion.

The light flux on information recording surface RL2 is reflected and modulated by the information pit on the information recording surface RL2. The reflection light flux passes through objective optical element OBJ and aperture ST again, and is converted from circular polarized light into straight line polarized light by the ¼ wavelength plate which is not shown. Then, Collimator lens CL converts the light flux into a convergent light flux, the convergent light flux is reflected by the polarizing dichroic prism PPS, then, is reflected two times in the prism, and converged on the second light receiving element DS1. Then, the information recorded in DVD can be read by using the output signal of the second light receiving element DS1.

Infrared semiconductor laser EP2 emits the third light flux (λ3=785 nm) which is a divergent light flux. The divergent light flux is reflected by prism PS, and further reflected by polarizing dichroic prism PPS. Collimator lens CL collimate the reflected light flux and the collimated light flux is converted from straight line polarized light into circular polarized light by the ¼ wavelength plate which is not shown. The converted light flux enters into objective optical element OBJ. Herein, the incident light flux is converged by the central area of the objective optical element OBJ (the light flux passing through the peripheral area and the most peripheral area is made into a flare, and forms the peripheral spot portion). The converged light flux becomes a spot on information recording surface RL3 of CD through the protective substrate PL3 with thickness of 1.2 mm, and forms the central spot portion.

The light flux on information recording surface RL3 is reflected and modulated by the information pit on the information recording surface RL3. The reflection light flux passes through objective optical element OBJ and aperture ST again, and is converted from circular polarized light into straight line polarized light by the ¼ wavelength plate which is not shown. Then, collimator lens CL converts the light flux into a convergent light flux, the convergent light flux is reflected by the polarizing dichroic prism PPS, then, is further reflected two times in the prism. The reflected light flux is converged on the third light receiving element DS2. Then, information recorded in CD can be read by using output signal of the third light receiving element DS2.

When the first light flux emitted from the blue-violet semiconductor laser LD1 enters into objective optical element OBJ as a collimated light flux, the first optical path difference providing structure of the central area, the second optical path difference providing structure of the peripheral area and the most peripheral area adequately corrects the spherical aberration of the first light flux. Therefore, information can be recorded and/or reproduced adequately for BD having a protective substrate with a thickness t1. Further, when the second light flux emitted from the red semiconductor laser EP1 enters into objective optical element OBJ as a collimated light flux, the first optical path difference providing structure of the central area, the second optical path difference providing structure of the peripheral area adequately corrects the spherical aberration of the second light flux generated due to the thickness difference between the protective substrates of BD and DVD and the wavelength difference between the first light flux and the second light flux, and the most peripheral area makes the second light flux the flare on the information recording surface of DVD. Therefore, information can be recorded and/or reproduced adequately for DVD having a protective substrate with thickness of t2. Further, when the third light flux emitted from the infrared semiconductor laser EP2 enters into objective optical element OBJ as the parallel light flux, the first optical path difference providing structure of the central area adequately corrects the spherical aberration of the third light flux generated due to the thickness difference between the protective substrates of BD and CD and the wavelength difference between the first light flux and the third light flux, and the second optical path difference providing structure of the peripheral area and the most peripheral area make the third light flux the flare on the information recording surface of CD. Therefore, information can be recorded and/or reproduced adequately for CD having a protective substrate with thickness of t3. Further, the first optical path difference providing structure on the central area separates a light converged spot of a necessary light of the third light flux which is used for recording and reproducing information, and a light converged spot of an unnecessary light of the third light flux by the adequate distance. Thereby, the first optical path difference providing structure also makes the tracking characteristic good when CD is used. Additionally, the second optical path difference providing structure on the peripheral area can correct the spherochromatism (chromatic spherical aberration) for the first light flux and the second light flux when the wavelength is deviated from the reference wavelength due to the reason such as the manufacturing error of the laser diode.

Examples 1-3

Next, examples which can be used for the above described embodiment will be described. In the following examples 1-3, the objective optical element is a single glass lens. The objective optical element comprises an optical surface including central area CN, the peripheral area MD, and the most peripheral area OT. The first optical path difference providing structure is formed on the entire surface of central area CN on the optical surface. The second optical path difference providing structure is formed on the entire surface of the peripheral area MD on the optical surface. The most peripheral area OT on the optical surface is the refractive surface in the aspheric shape.

Further, in Examples 1-3, the first optical path difference providing structure is the structure formed by overlapping the first basic structure and the second basic structure and having a shape in which a serrated diffractive structure and a binary structure are overlapped. The sectional shape is likely a shape shown in FIG. 2(*c*). The first basic structure which is the serrated diffractive structure is designed so as to make the light amount of the second order diffracted light flux of the first light flux larger than the light amount of any diffracted light flux with other diffraction order (which also includes 0-th order flux, that is, a transmitted light flux), and to make the light amount of the first order diffracted light of the second light flux is made larger than the light amount of any diffractive light with other diffraction order (which also includes 0-th order light flux, that is, a transmitted light), and to make the light amount of the first order diffractive light of the third light flux larger than the light amount of any diffracted light

with other diffraction order (which also includes 0-th order light flux, that is, a transmitted light). Further, the second basic structure which is the binary structure, is so-called, the wavelength selection diffractive structure. The second basic structure is designed so as to make the light amount of the 0-th order diffracted light (transmitted light) of the first light flux larger than the light amount of the any diffracted light with other diffraction order, to make the light amount of the 0-th order diffracted light (transmitted light) of the second light flux larger than the light amount of any diffracted light with other diffraction order, and to make the light amount of ±first order diffracted light of the third light flux larger than the light amount of any diffracted with other diffraction order (which also includes 0-th order light flux, that is, a transmitted light).

Further, each of the examples 1-3 provide a first optical path difference providing structure including the following areas: as shown in FIG. 2(*c*), the area of the optical axis side of the central area in which the serrated structure having steps facing the optical axis side and the binary structure are overlapped; the area of the peripheral area side of the central area in which the serrated structure having steps facing the opposite side to the optical axis, and the binary structure are overlapped; the transition area arranged between the two areas, which is necessary for switching direction of the step of the serrated structure. This transition area corresponds to a point where the optical path difference function has an extreme value when the optical path difference which is added to the transmitting wavefront by the diffractive structure, is expressed by the optical path difference function. Hereupon, when the optical path difference function has a point which is the extreme value, it reduces the inclination of the optical path difference function. Therefore, the ring-shaped zone pitch can be extended, and the transmittance lowering due to the shape error of the diffractive structure can be suppressed.

In the examples 1-3, the second optical path difference providing structure is the structure formed by overlapping the first basic structure and the fourth basic structure, and having a shape in which a finer serrated diffractive structure and a rougher serrated diffractive structure are overlapped. Hereupon, the step faces the opposite side to the optical axis in the finer serrated diffractive structure, and the step faces the optical axis side in the rougher serrated diffractive structure. The sectional shape is likely a shape shown in FIG. 2(*d*). The first basic structure which is the finer serrated diffractive structure is designed so as to makes the light amount of the second order diffracted light of the first light flux larger than the light amount of any diffracted light with other diffraction order (which also includes 0-th order flux, that is, a transmitted light flux), to make the light amount of the first order diffractive light of the second light flux larger than the light amount of any diffracted light with other diffraction order (0 which also includes 0-th order flux, that is, a transmitted light flux), and to make the light amount of the first order diffracted light of the third light flux larger than the light amount of any diffracted light with other diffraction order (which also includes 0-th order flux, that is, a transmitted light flux). Further, the fourth basic structure which is the rougher serrated diffractive structure is designed so as to make the light amount of the fifth order diffractive light of the first light flux larger than the light amount of any diffracted light with other diffraction order, to make the light amount of the third order diffracted light of the second light flux larger than the light amount of any diffracted light of other diffraction order, and to make the light amount of the third and second order diffracted light of the third light flux larger than the light amount of any diffracted light with other diffraction order. Hereupon, in FIG. 2(*c*) and FIG. 2(*d*), the sectional shape is exaggeratingly drawn for easy understanding.

The lens data of the examples are shown In Tables 1-3. Hereinafter, the power of 10 will be expressed as by using "E". For example, 2.5×10^{-3} will be expressed as 2.5E-3.

Each of optical surfaces of the objective optical system is formed as an aspherical surface, which has a symmetric shape around the optical axis with defined by substituting the coefficients shown in the tables described later into the expression 21.

$$X(h) = \frac{(h^2/r)}{1+\sqrt{1-(1+\kappa)(h/r)^2}} + \sum_{i=0}^{10} A_{2i}h^{2i} \tag{21}$$

Herein, X(h) is the axis along the optical axis (the direction of traveling light is positive direction), κ is a conical constant, A_{2i} is an aspherical coefficient, h is the height from the optical axis.

Further, The diffractive structure provides the optical path difference with the light fluxes of respective wavelengths, which is defined by substituting the coefficients shown in the tables shown later into the expression 22.

$$\Phi(h) = \lambda/\lambda_B \times dor \times \sum_{i=0}^{6} C_{2i}h^{2i} \tag{22}$$

Hereupon, λ is the wavelength of the incident light flux, λ_B is the blaze wavelength, dor is the diffraction order, C_{2i} is the coefficient of the optical path difference function.

Example 1

The lens data of Example 1 will be shown in Tables 1-1 to 1-3. Further, FIGS. 5(*a*), 5(*b*), and 5(*c*) show the vertical spherical aberration diagrams of Example 1. The numeral 1.0 of the vertical axis of the vertical spherical aberration diagrams expresses NA 0.85, or a diameter of 3.74 mm in BD; expresses a value slightly larger than NA 0.60, or a diameter of 2.68 mm in DVD; and expresses a value slightly larger than NA 0.45, or a value slightly larger than a diameter of 2.18 mm in CD. Hereupon, L is 0.28 mm in Example 1. Accordingly, it provides L/f=0.28/2.42=0.116.

TABLE 1-1

Lens Data

Single diffractive lens

Focal length of the objective lens	f_1 = 2.20 mm	f_2 = 2.28 mm	f_3 = 2.42 mm
Numerical aperture	NA1: 0.85	NA2: 0.60	NA3: 0.45
Magnification	m1: 0	m2: 0	m3: 0

The i-th surface	ri	di (405 nm)	ni (405 nm)	di (658 nm)	ni (658 nm)	di (785 nm)	ni (785 nm)
0		∞		∞		∞	
1 (Stop diameter)		0.0 (φ3.74 mm)		0.0 (φ2.68 mm)		0.0 (φ2.18 mm)	

TABLE 1-1-continued

Lens Data							
2	1.5795	2.430	1.605	2.430	1.586	2.430	1.582
2-1	1.5799						
2-2	1.5804						
2-3	1.5810						
2-4	1.5793						
2-5	1.5816						
2-6	1.5374						
3	−4.7732	0.79		0.54		0.32	
4	∞	0.0875	1.620	0.600	1.577	1.200	1.571
5	∞						

TABLE 1-2

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 1.117	1.117 ≦ h ≦ 1.178	1.178 ≦ h ≦ 1.224	1.224 ≦ h ≦ 1.262
Aspheric surface coefficient	κ	−5.1483E−01	−5.1735E−01	−5.1984E−01	−5.2196E−01
	A0	0.0000E+00	−3.4971E−03	−6.9971E−03	−1.0502E−02
	A4	1.2950E−02	1.2950E−02	1.2950E−02	1.2952E−02
	A6	2.6726E−03	2.6726E−03	2.6726E−03	2.6726E−03
	A8	3.8605E−03	3.8605E−03	3.8605E−03	3.8605E−03
	A10	−3.5626E−03	−3.5626E−03	−3.5626E−03	−3.5626E−03
	A12	1.3965E−03	1.3965E−03	1.3965E−03	1.3965E−03
	A14	8.5125E−05	8.5125E−05	8.5125E−05	8.5125E−05
	A16	−1.6888E−04	−1.6888E−04	−1.6888E−04	−1.6888E−04
	A18	4.5316E−05	4.5316E−05	4.5316E−05	4.5316E−05
	A20	−4.4456E−06	−4.4456E−06	−4.4456E−06	−4.4456E−06
Optical path difference function	Diffraction order	2/1/1	2/1/1	2/1/1	2/1/1
	*1	395 nm	395 nm	395 nm	395 nm
	C2	−5.4912E−03	−5.4912E−03	−5.4912E−03	−5.4912E−03
	C4	2.3942E−03	2.3942E−03	2.3942E−03	2.3942E−03
	C6	1.7081E−03	1.7081E−03	1.7081E−03	1.7081E−03
	C8	−8.9650E−04	−8.9650E−04	−8.9650E−04	−8.9650E−04
	C10	2.6700E−04	2.6700E−04	2.6700E−04	2.6700E−04
Optical path difference function	Diffraction order	0/0/1			
	*1	785 nm			
	C2	1.5968E−02			
	C4	−7.3725E−04			
	C6	−1.0009E−03			
	C8	8.1423E−04			
	C10	−2.4796E−04			

*1: Design wavelength

TABLE 1-3

		Surface no.			
		2-4	2-5	2-6	3
		Area			
		1.262 ≦ h ≦ 1.307	1.307 ≦ h ≦ 1.355	1.355 ≦ h	
Aspheric surface coefficient	κ	−5.2821E−01	−5.2092E−01	−6.5466E−01	−1.4057E+01
	A0	−1.4453E−02	−1.7566E−02	3.2124E−04	0.0000E+00
	A4	1.2948E−02	1.2639E−02	1.2109E−02	1.4339E−01
	A6	2.6726E−03	2.6726E−03	6.8203E−04	−1.3569E−01
	A8	3.8605E−03	3.8605E−03	1.8368E−03	8.5457E−02
	A10	−3.5626E−03	−3.5626E−03	−1.3166E−03	−3.5414E−02
	A12	1.3965E−03	1.3965E−03	3.0609E−04	8.3196E−03
	A14	8.5125E−05	8.5125E−05	2.2270E−04	−8.3492E−04
	A16	−1.6888E−04	−1.6888E−04	−1.6894E−04	0.0000E+00
	A18	4.5316E−05	4.5316E−05	4.4386E−05	0.0000E+00
	A20	−4.4456E−06	−4.4456E−06	−4.3121E−06	0.0000E+00
Optical path difference function	Diffraction order	2/1/1	2/1/1		
	*1	395 nm	395 nm		
	C2	−5.4912E−03	−5.4912E−03		

TABLE 1-3-continued

		Surface no.			
		2-4	2-5	2-6	3
		Area			
		1.262 ≦ h ≦ 1.307	1.307 ≦ h ≦ 1.355	1.355 ≦ h	
	C4	2.3942E-03	2.3942E-03		
	C6	1.7081E-03	1.7081E-03		
	C8	-8.9650E-04	-8.9650E-04		
	C10	2.6700E-04	2.6700E-04		
Optical path difference function	Diffraction order *1				
	C2				
	C4				
	C6				
	C8				
	C10				

*1: Design wavelength

Example 2

The lens data of Example 2 will be shown in Tables 2-1 to 2-3. Further, FIGS. 6(*a*), 6(*b*), and 6(*c*) show the vertical spherical aberration diagrams of Example 2. The numeral 1.0 of the vertical axis of the vertical spherical aberration diagrams expresses NA 0.85, or a diameter of 3.74 mm in BD; expresses a value slightly larger than NA 0.60, or a diameter of 2.68 mm in DVD; and expresses a value slightly larger than NA 0.45, or a value slightly larger than a diameter of 2.12 mm in CD. Hereupon, L is 0.16 mm in Example 2. Accordingly, it provides L/f=0.16/2.36=0.068.

TABLE 2-1

Lens Data							
Single diffractive lens							
Focal length of the objective lens			f_1 = 2.20 mm		f_2 = 2.28 mm		f_3 = 2.36 mm
Numerical aperture			NA1: 0.85		NA2: 0.60		NA3: 0.45
Magnification			m1: 0		m2: 0		m3: 0
The i-th surface	ri	di (405 nm)	ni (405 nm)	di (658 nm)	ni (658 nm)	di (785 nm)	ni (785 nm)
0		∞		∞		∞	
1 (Stop diameter)		0.0 (ϕ3.74 mm)		0.0 (ϕ2.68 mm)		0.0 (ϕ2.12 mm)	
2	1.5810	2.430	1.605	2.430	1.586	2.430	1.582
2-1	1.5825						
2-2	1.5820						
2-3	1.5809						
2-4	1.5808						
2-5	1.5811						
2-6	1.5316						
3	-4.7543	0.79		0.54		0.26	
4	∞	0.0875	1.620	0.600	1.577	1.200	1.571
5	∞						

TABLE 2-2

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 1.116	1.116 ≦ h ≦ 1.197	1.197 ≦ h ≦ 1.239	1.239 ≦ h ≦ 1.273
Aspheric surface coefficient	κ	-5.0687E-01	-5.0696E-01	-5.1166E-01	-5.1724E-01
	A0	0.0000E+00	-3.3441E-03	-7.0033E-03	-1.0810E-02
	A4	1.3630E-02	1.3630E-02	1.3630E-02	1.3630E-02
	A6	2.1948E-03	2.1948E-03	2.1948E-03	2.1948E-03
	A8	3.9803E-03	3.9803E-03	3.9803E-03	3.9803E-03
	A10	-3.7498E-03	-3.7498E-03	-3.7498E-03	-3.7498E-03
	A12	1.4932E-03	1.4932E-03	1.4932E-03	1.4932E-03
	A14	7.7535E-05	7.7535E-05	7.7535E-05	7.7535E-05

TABLE 2-2-continued

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 1.116	1.116 ≦ h ≦ 1.197	1.197 ≦ h ≦ 1.239	1.239 ≦ h ≦ 1.273
	A16	−1.6888E−04	−1.6888E−04	−1.6888E−04	−1.6888E−04
	A18	4.5316E−05	4.5316E−05	4.5316E−05	4.5316E−05
	A20	−4.4456E−06	−4.4456E−06	−4.4456E−06	−4.4456E−06
Optical path difference function	Diffraction order	2/1/1	2/1/1	2/1/1	2/1/1
	*1	395 nm	395 nm	395 nm	395 nm
	C2	−5.5507E−03	−5.5507E−03	−5.5507E−03	−5.5507E−03
	C4	2.6083E−03	2.6083E−03	2.6083E−03	2.6083E−03
	C6	1.6957E−03	1.6957E−03	1.6957E−03	1.6957E−03
	C8	−1.0148E−03	−1.0148E−03	−1.0148E−03	−1.0148E−03
	C10	3.1382E−04	3.1382E−04	3.1382E−04	3.1382E−04
Optical path difference function	Diffraction order	0/0/1			
	*1	785 nm			
	C2	1.0109E−02			
	C4	−5.6774E−04			
	C6	−1.8990E−03			
	C8	1.5121E−03			
	C10	−4.9017E−04			

*1: Design wavelength

TABLE 2-3

		Surface no.			
		2-4	2-5	2-6	3
		Area			
		1.273 ≦ h ≦ 1.316	1.316 ≦ h ≦ 1.351	1.351 ≦ h	
Aspheric surface coefficient	κ	−5.2032E−01	−5.2211E−01	−6.5466E−01	−1.4567E+01
	A0	−1.4468E−02	−1.8188E−02	2.0102E−03	0.0000E+00
	A4	1.3630E−02	1.3629E−02	1.2109E−02	1.4319E−01
	A6	2.1948E−03	2.1948E−03	6.8203E−04	−1.3589E−01
	A8	3.9803E−03	3.9803E−03	1.8368E−03	8.5430E−02
	A10	−3.7498E−03	−3.7498E−03	−1.3166E−03	−3.5356E−02
	A12	1.4932E−03	1.4932E−03	3.0609E−04	8.2999E−03
	A14	7.7536E−05	7.7535E−05	2.2270E−04	−8.3293E−04
	A16	−1.6888E−04	−1.6888E−04	−1.6894E−04	0.0000E+00
	A18	4.5316E−05	4.5316E−05	4.4386E−05	0.0000E+00
	A20	−4.4456E−06	−4.4456E−06	−4.3121E−06	0.0000E+00
Optical path difference function	Diffraction order	2/1/1	2/1/1		
	*1	395 nm	395 nm		
	C2	−5.5507E−03	−5.5507E−03		
	C4	2.6083E−03	2.6083E−03		
	C6	1.6957E−03	1.6957E−03		
	C8	−1.0148E−03	−1.0148E−03		
	C10	3.1382E−04	3.1382E−04		
Optical path difference function	Diffraction order				
	*1				
	C2				
	C4				
	C6				
	C8				
	C10				

*1: Design wavelength

Example 3

The lens data of Example 31 will be shown in Tables 3-1 to 3-3. Further, FIGS. 7(*a*), 7(*b*), and 7(*c*) show the vertical spherical aberration diagrams of Example 2. The number 1.0 of the vertical axis of the vertical spherical aberration diagram expresses NA 0.85 or a diameter of 3.74 mm in BD, expresses a value slightly larger than NA 0.60, or a diameter of 2.68 mm in DVD, and expresses a value slightly larger than NA 0.45, or a value slightly larger than a diameter of 2.17 mm in CD. Hereupon, L is 0.28 mm in Example 3. Accordingly it provides L/f=0.28/2.43=0.115.

TABLE 3-1

Lens Data							
Single diffraction lens							
Focal length of the objective lens		f_1 = 2.20 mm		f_2 = 2.28 mm		f_3 = 2.43 mm	
Numerical aperture		NA1: 0.85		NA2: 0.60		NA3: 0.45	
Magnification		m1: 0		m2: 0		m3: 0	
The i-th surface	ri	di (405 nm)	ni (405 nm)	di (658 nm)	ni (658 nm)	di (785 nm)	ni (785 nm)
0		∞		∞		∞	
1 (Stop diameter)		0.0 (ϕ3.74 mm)		0.0 (ϕ2.68 mm)		0.0 (ϕ2.17 mm)	
2	1.5559	2.370	1.605	2.370	1.586	2.370	1.582
2-1	1.5627						
2-2	1.5653						
2-3	1.5643						
2-4	1.5658						
2-5	1.5648						
3	−5.1533	0.82		0.57		0.36	
4	∞	0.0875	1.620	0.600	1.577	1.200	1.571
5	∞						

TABLE 3-2

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 1.110	1.110 ≦ h ≦ 1.179	1.179 ≦ h ≦ 1.218	1.218 ≦ h ≦ 1.278
Aspheric surface coefficient	κ	−5.3140E−01	−5.2257E−01	−5.2131E−01	−5.2861E−01
	A0	0.0000E+00	−6.0616E−03	−9.0884E−03	−1.2687E−02
	A4	1.2538E−02	1.2538E−02	1.2538E−02	1.2538E−02
	A6	1.5730E−03	1.5730E−03	1.5730E−03	1.5730E−03
	A8	7.8213E−03	7.8213E−03	7.8213E−03	7.8213E−03
	A10	−6.6801E−03	−6.6801E−03	−6.6801E−03	−6.6801E−03
	A12	2.5319E−03	2.5319E−03	2.5319E−03	2.5319E−03
	A14	−7.3283E−05	−7.3283E−05	−7.3283E−05	−7.3283E−05
	A16	−1.6888E−04	−1.6888E−04	−1.6888E−04	−1.6888E−04
	A18	4.5316E−05	4.5316E−05	4.5316E−05	4.5316E−05
	A20	−4.4456E−06	−4.4456E−06	−4.4456E−06	−4.4456E−06
Optical path difference function	Diffraction order	2/1/1	2/1/1	2/1/1	2/1/1
	*1	395 nm	395 nm	395 nm	395 nm
	C2	−4.2889E−03	−4.2889E−03	−4.2889E−03	−4.2889E−03
	C4	1.6784E−03	1.6784E−03	1.6784E−03	1.6784E−03
	C6	2.4623E−03	2.4623E−03	2.4623E−03	2.4623E−03
	C8	−1.1484E−03	−1.1484E−03	−1.1484E−03	−1.1484E−03
	C10	3.0281E−04	3.0281E−04	3.0281E−04	3.0281E−04
Optical path difference function	Diffraction order	0/0/1			
	*1	785 nm			
	C2	1.6209E−02			
	C4	−4.2084E−04			
	C6	−1.8779E−03			
	C8	1.5357E−03			
	C10	−4.6042E−04			

*1: Design wavelength

TABLE 3-3

		Surface no.		
		2-4	2-5	3
		Area		
		1.278 ≦ h ≦ 1.346	1.346 ≦ h	
Aspheric surface coefficient	κ	−5.3306E−01	−6.5475E−01	−9.8372E+00
	A0	−1.9455E−02	8.6537E−02	0.0000E+00

TABLE 3-3-continued

		Surface no.		
		2-4	2-5	3
		Area		
		1.278 ≦ h ≦ 1.346	1.346 ≦ h	
surface coef-	A4	1.2538E−02	1.5782E−02	1.4197E−01
	A6	1.5730E−03	9.9623E−04	−1.3547E−01

TABLE 3-3-continued

		Surface no.		
		2-4	2-5	3
		Area		
		1.278 ≦ h ≦ 1.346	1.346 ≦ h	
ficient	A8	7.8213E-03	1.7248E-03	8.6460E-02
	A10	-6.6801E-03	-1.3501E-03	-3.5392E-02
	A12	2.5319E-03	3.0344E-04	8.0551E-03
	A14	-7.3283E-05	2.2480E-04	-7.7385E-04
	A16	-1.6888E-04	-1.6807E-04	0.0000E+00
	A18	4.5316E-05	4.4386E-05	0.0000E+00
	A20	-4.4456E-06	-4.3584E-06	0.0000E+00
Optical path difference function	Diffraction order	2/1/1		
	*1	395 nm		
	C2	-4.2889E-03		
	C4	1.6784E-03		
	C6	2.4623E-03		
	C8	-1.1484E-03		
	C10	3.0281E-04		
Optical path difference function	Diffraction order			
	*1			
	C2			
	C4			
	C6			
	C8			
	C10			

*1: Design wavelength

Example 4

In Example 4, the objective optical element is a single plastic lens formed of polyolefin. The objective optical element comprises an optical surface comprising the central area CN, the peripheral area MD, and the most peripheral area OT. The first optical path difference providing structure is formed on the entire surface of central area CN on the optical surface. The second optical path difference providing structure is formed on the entire surface of the peripheral area MD on the optical surface. The third optical path difference providing structure is formed on the entire surface of the most peripheral area OT on the optical surface.

Further, in the Example 4, the first optical path difference providing structure is the structure formed by overlapping the first basic structure, the second basic structure and the third basic structure, and having a shape in which two kinds of the serrated diffractive structures and a binary structure are overlapped. The sectional shape of the first optical path difference providing structure is shown as a portion represented as CN in FIG. 8. The third basic structure is a serrated diffractive structure and is designed so as to make the light amount of the tenth order diffracted light of the first light flux larger than the light amount of any diffractive light with other diffraction order (which also includes 0-th order flux, that is, a transmitted light flux), to make the light amount of the sixth order diffracted light of the second light flux larger than the light amount of any diffracted light with other diffraction order (which also includes 0-th order flux, that is, a transmitted light flux), and to make the light amount of the fifth order diffracted light of the third light flux larger than the light amount of any diffracted light with other diffraction order (which also includes 0-th order flux, that is, a transmitted light flux). The step amount in the direction of the optical axis of the step in the first basic structure is the step amount providing optical path difference which is about two times of the first wavelength for the first light flux, also providing optical path difference which is about 1.2 times of the second wavelength for the second light flux and further providing optical path difference which is about 1 time of the third wavelength for the third light flux. The step amount in the direction of the optical axis of the step in the second basic structure is the step amount providing optical path difference which is about five times of the first wavelength for the first light flux, also providing optical path difference which is about three times of the second wavelength for the second light flux and further providing optical path difference which is about 2.5 times of the third wavelength for the third light flux. The step amount in the direction of the optical axis of the step in the third basic structure is the step amount providing optical path difference which is about ten times of the first wavelength for the first light flux, also providing optical path difference which is about six times of the second wavelength for the second light flux and further providing optical path difference which is about five times of the third wavelength for the third light flux. The third basic structure is provided on a basic aspheric surface which is different from a basic aspheric surface on which the first basic structure and the second basic structure are provided.

In Example 4, the second optical path difference providing structure is the structure formed by overlapping the first basic structure and the fourth basic structure as shown as MD in FIG. 8, and has a shape in which two kinds of the serrated diffractive structures are overlapped. The step amount in the direction of the optical axis of the step in the fourth basic structure is the step amount providing optical path difference which is about five times of the first wavelength for the first light flux, also providing optical path difference which is about three times of the second wavelength for the second light flux and further providing optical path difference which is about 2.5 times of the third wavelength for the third light flux. The fourth basic structure is provided on a basic aspheric surface which is different from a basic aspheric surface on which the first basic structure is provided. The third basic structure in the first optical path difference providing structure and the fourth basic structure in the second optical path difference providing structure are continuous. The third basic structure and the fourth basic structure are the structure in which the depth of the third basic structure in the direction of the optical axis becomes deeper as farther from the optical axis in the direction perpendicular to the optical axis till the boundary between the first optical path difference providing structure and the second optical path difference providing structure, and then in the area farther from the optical axis than the boundary, the depth of the fourth basic structure in the direction of the optical axis becomes shallower as farther from the optical axis in the direction perpendicular to the optical axis.

In the Example 4, the third optical path difference providing structure is the structure having only the fourth basic structure as shown as OT in FIG. 8, and has a shape which has only one kind of serrated diffractive structure. The third basic structure in the third optical path difference providing structure is not the structure in which the depth of the structure in the direction of the optical axis becomes deeper as farther from the optical axis in the direction perpendicular to the optical axis till one point, and then in the area farther from the optical axis than the one point, the depth of the structure in the direction of the optical axis becomes shallower as farther from the optical axis in the direction perpendicular to the optical axis.

The lens data of Example 4 will be shown in Tables 4-1 to 4-4. Further, FIGS. 9(*a*) to 9(*c*) shows the vertical spherical aberration diagrams of Example 4. The numeral 1.0 of the vertical axis of the vertical spherical aberration diagrams expresses NA 0.85 or a diameter of 3.74 mm in BD, expresses a value slightly larger than NA 0.60, or a value slightly larger than a diameter of 2.70 mm in DVD, and expresses a value slightly larger than NA 0.45, or a value slightly larger than a diameter of 2.37 mm in CD. Hereupon, L is 0.60 mm in Example 4. Accordingly, it provides L/f=0.60/2.53=0.237.

The entire of ring-shaped zones of the first optical path difference providing structure in Example 4 can be classified to the groups: a group of a step amount in the range of 3.62 μm to 4.23 μm; and a group of a step amount in the range of 2.22 μm to 2.56 μm. Here, λB is 405 nm. λB' is an arbitral value in the range of 390 nm to 400 nm. Accordingly, each of the entire ring shaped zones in the first optical path difference providing structure in Example 4 has a step amount satisfying any one of dC and dD. Each of the entire ring shaped zones in the first optical path difference providing structure has a pitch difference within the range of 5.3 μm to 110 μm. Each of the entire ring shaped zones in the first optical path difference providing structure has a value of (step amount/pitch width) being 0.8 or less.

TABLE 4-1

Lens Data

Single diffraction lens

Focal length of the objective lens	f_1 = 2.20 mm	f_2 = 2.28 mm	f_3 = 2.53 mm
Numerical aperture	NA1: 0.85	NA2: 0.60	NA3: 0.45
Magnification	m1: 0	m2: 0	m3: 0

The i-th surface	ri	di (405 nm)	ni (405 nm)	di (658 nm)	ni (658 nm)	di (785 nm)	ni (785 nm)
0		∞		∞		∞	
1 (Stop diameter)		0.0 (φ3.74 mm)		0.0 (φ2.70 mm)		0.0 (φ2.37 mm)	
2	1.5656	2.680	1.561	2.680	1.540	2.680	1.536
2-1	1.5626						
2-2	1.5595						
2-3	1.5570						
2-4	1.5661						
2-5	1.5633						
2-6	1.5643						
2-7	1.5657						
2-8	1.5656						
2-9	1.53232						
3	−2.8740	0.67		0.43		0.41	
4	∞	0.0875	1.620	0.600	1.577	1.200	1.571
5	∞						

TABLE 4-2

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 0.3982	0.3982 ≦ h ≦ 0.6392	0.6392 ≦ h ≦ 0.9173	0.9173 ≦ h ≦ 1.2020
Aspheric surface coefficient	κ	−0.545763E+00	−0.544149E+00	−0.543545E+00	−0.540372E+00
	A0	0.000000E+00	0.723148E−02	0.144639E−01	0.217471E−01
	A4	0.173456E−01	0.173456E−01	0.173456E−01	0.173456E−01
	A6	0.161268E−02	0.161268E−02	0.161268E−02	0.161268E−02
	A8	0.227272E−02	0.227272E−02	0.227272E−02	0.227272E−02
	A10	−0.176212E−02	−0.176212E−02	−0.176212E−02	−0.176212E−02
	A12	0.832672E−03	0.832672E−03	0.832672E−03	0.832672E−03
	A14	0.306247E−03	0.306247E−03	0.306247E−03	0.306247E−03
	A16	−0.312510E−03	−0.312510E−03	−0.312510E−03	−0.312510E−03
	A18	0.779196E−04	0.779196E−04	0.779196E−04	0.779196E−04
	A20	−0.382183E−05	−0.382183E−05	−0.382183E−05	−0.382183E−05
Optical path difference function	Diffraction order	2/1/1	2/1/1	2/1/1	2/1/1
	*1	395 nm	395 nm	395 nm	395 nm
	C2	−7.9481E−03	−7.9481E−03	−7.9481E−03	−7.9481E−03
	C4	3.1618E−03	3.1618E−03	3.1618E−03	3.1618E−03
	C6	2.6104E−04	2.6104E−04	2.6104E−04	2.6104E−04
	C8	−1.5449E−04	−1.5449E−04	−1.5449E−04	−1.5449E−04
	C10	1.3011E−04	1.3011−04	1.3011E−04	1.3011E−04
Optical path difference function	Diffraction order	0/0/1	0/0/1	0/0/1	0/0/1
	*1	785 nm	785 nm	785 nm	785 nm
	C2	3.2600E−02	3.2600E−02	3.2600E−02	3.2600E−02
	C4	−3.0280E−03	−3.0280E−03	−3.0280E−03	−3.0280E−03

TABLE 4-2-continued

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 0.3982	0.3982 ≦ h ≦ 0.6392	0.6392 ≦ h ≦ 0.9173	0.9173 ≦ h ≦ 1.2020
	C6	2.4526E−03	2.4526E−03	2.4526E−03	2.4526E−03
	C8	−1.0989E−03	−1.0989E−03	−1.0989E−03	−1.0989E−03
	C10	2.4093E−04	2.4093E−04	2.4093E−04	2.4093E−04

*1: Design wavelength

TABLE 4-3

		Surface no.			
		2-4	2-5	2-6	2-7
		Area			
		1.2020 ≦ h ≦ 1.2390	1.2390 ≦ h ≦ 1.2677	1.2677 ≦ h ≦ 1.3121	1.3121 ≦ h ≦ 1.3466
Aspheric surface coefficient	κ	−0.523735E+00	−0.534676E+00	−0.540742E+00	−0.536630E+00
	A0	0.193505E−01	0.150921E−01	0.113044E−01	0.782945E−02
	A4	0.173456E−01	0.173485E−01	0.175724E−01	0.172773E−01
	A6	0.161268E−02	0.161268E−02	0.161268E−02	0.161268E−02
	A8	0.227272E−02	0.227272E−02	0.227272E−02	0.227272E−02
	A10	−0.176212E−02	−0.176212E−02	−0.176212E−02	−0.176212E−02
	A12	0.832672E−03	0.832672E−03	0.832672E−03	0.832672E−03
	A14	0.306247E−03	0.306247E−03	0.306247E−03	0.306247E−03
	A16	−0.312510E−03	−0.312510E−03	−0.312510E−03	−0.312510E−03
	A18	0.779196E−04	0.779196E−04	0.779196E−04	0.779196E−04
	A20	−0.382183E−05	−0.382183E−05	−0.382183E−05	−0.382183E−05
Optical path difference function	Diffraction order	2/1/1	2/1/1	2/1/1	2/1/1
	*1	395 nm	395 nm	395 nm	395 nm
	C2	−7.9481E−03	−7.9481E−03	−7.9481E−03	−7.9481E−03
	C4	3.1618E−03	3.1618E−03	3.1618E−03	3.1618E−03
	C6	2.6104E−04	2.6104E−04	2.6104E−04	2.6104E−04
	C8	−1.5449E−04	−1.5449E−04	−1.5449E−04	−1.5449E−04
	C10	1.3011E−04	1.3011E−04	1.3011E−04	1.3011E−04
Optical path difference function	Diffraction order				
	*1				
	C2				
	C4				
	C6				
	C8				
	C10				

*1: Design wavelength

TABLE 4-4

		Surface no.		
		2-8	2-9	3
		Area		
		1.3466 ≦ h ≦ 1.3751	1.3751 ≦ h	
Aspheric surface coefficient	κ	−0.545757E+00	−0.616167E+00	−5.4022E+01
	A0	0.150988E−04	0.341800E−01	0.0000E+00
	A4	0.173456E−01	0.132229E−01	1.0541E−01
	A6	0.161240E−02	0.544502E−04	−1.0213E−01
	A8	0.227272E−02	0.262231E−02	7.4675E−02
	A10	−0.176212E−02	−0.156680E−02	−4.3240E−02
	A12	0.832672E−03	0.226928E−03	1.4629E−02
	A14	0.306247E−03	0.239248E−03	−2.0762E−03
	A16	−0.312510E−03	−0.165881E−03	0.0000E+00
	A18	0.779196E−04	0.451501E−04	0.0000E+00
	A20	−0.382183E−05	−0.472873E−05	0.0000E+00
Optical path difference function	Diffraction order	2/1/1	5/3/2	
	*1	395 nm	405 nm	
	C2	−7.9481E−03	−1.0012E−03	

TABLE 4-4-continued

		Surface no.		
		2-8	2-9	3
		Area		
		1.3466 ≦ h ≦ 1.3751	1.3751 ≦ h	
	C4	3.1618E-03	-1.0849E-04	
	C6	2.6104E-04	1.2384E-05	
	C8	-1.5449E-04	-5.9681E-06	
	C10	1.3011E-04	-8.9463E-06	
Optical path difference function	Diffraction order *1			
	C2			
	C4			
	C6			
	C8			
	C10			

*1: Design wavelength

Further, as for the temperature characteristics of the objective optical element in the Example 4, δSAT1 is +0.0033 WFEλ rms/° C., and δSAT2 is +0.0019 WFEλ rms/° C. Further, because f of the objective optical element for the first wavelength is 2.2 mm, δSAT1/f is +0.0015 WFEλ rms/(° C.·mm), and δSAT2/f is +0.0009 WFEλ rms/(° C.·mm). Further, as for the wavelength characteristics of the objective optical element of the Example 4, δSAλ is −0.03 λrms/nm, and δSAλ/f is −0.0136 λrms/(nm·mm). Hereupon, the using wavelength is 405 nm, and the ambient temperature for the wavelength characteristics is 25° C.

Furthermore, in case that there is provided collimator lens CL which is a single lens formed of the same material (polyolefin plastic) as the objective optical element, and the collimator lens is used for Example 4 with being combined with the objective optical element in Example 4, δSAT3 is +0.0004 WFEλ rms/° C., and δSAT3/f is +0.0002 WFEλ rms/(° C.·mm). The lens data of the collimator lens will be shown in Table 5.

Example 5

In Example 5, the objective optical element is a single plastic lens formed of polyolefin. The objective optical element comprises an optical surface comprising central area CN, the peripheral area MD, and the most peripheral area OT. The first optical path difference providing structure is formed on the entire surface of central area CN on the optical surface. The second optical path difference providing structure is formed on the entire surface of the peripheral area MD on the optical surface. The third optical path difference providing structure is formed on the most peripheral area OT on the entire surface of the optical surface. The sectional shape is the shape likely to FIG. **8**.

Further, in Example 5, the first optical path difference providing structure is the structure formed by overlapping the third basic structure with the first basic structure and the second basic structure, and having a shape in which two kinds

TABLE 5

Lens Data							
Plastic Normal Collimator							
Focal length of the collimating lens			f_1 = 17.5 mm,		f_2 = 18.1 mm,		f_3 = 18.2 mm
The i-th surface	ri	di (405 nm)	ni (405 nm)	di (658 nm)	ni (658 nm)	di (785 nm)	ni (785 nm)
0	∞	∞		∞		∞	
1 (Stop diameter)	∞	0.0 (ϕ4.2 mm)		0.0 (ϕ4.2 mm)		0.0 (ϕ4.2 mm)	
2	10.9657	1.900	1.545	1.900	1.527	1.900	1.524
3	-68.6939	5.000		5.000		5.000	
4	∞	8.000	1.530	8.000	1.514	8.000	1.511
5	∞	6.145		6.661		6.764	
6	∞						

		Surface no.	
		2	3
Aspheric surface coefficient	κ	-6.3761E-01	-3.8132E+01

of the serrated diffractive structures and the binary structure are overlapped.

In Example 5, the second optical path difference providing structure is the structure formed by overlapping the first basic structure and the fourth basic structure, and having a shape in which two kinds of serrated diffractive structures are overlapped.

In Example 5, the third optical path difference providing structure is the structure formed by only the fourth basic structure, and having a shape including one kind of the serrated diffractive structure.

The lens data of Example 5 will be shown in Tables 6-1 to 6-4. Further, FIG. 11 shows vertical spherical aberration diagrams of Example. The numeral 1.0 of the vertical axis of the vertical spherical aberration diagrams expresses NA 0.85, or a diameter of 3.74 mm in BD, expresses a value slightly larger than NA 0.60, or a value slightly larger than a diameter of 2.71 mm in DVD, and expresses a value slightly larger than NA 0.45, or a value slightly larger than a diameter of 2.24 mm in CD. Hereupon, L is 0.38 mm in Example 5. Accordingly, it provides L/f=0.38/2.45=0.155.

TABLE 6-1

Lens Data

Single diffraction lens

Focal length of the objective lens	f_1 = 2.20 mm	f_2 = 2.29 mm	f_3 = 2.45 mm
Numerical aperture	NA1: 0.85	NA2: 0.60	NA3: 0.45
Magnification	m1: 0	m2: 0	m3: 0

The i-th surface	ri	di (405 nm)	ni (405 nm)	di (658 nm)	ni (658 nm)	di (785 nm)	ni (785 nm)
0	∞	∞		∞		∞	
1 (Stop diameter)	∞	0.0 (ϕ3.74 mm)		0.0 (ϕ2.71 mm)		0.0 (ϕ2.24 mm)	
2	1.5827	2.530	1.560	2.530	1.541	2.530	1.537
2-1	1.5799						
2-2	1.5769						
2-3	1.5741						
2-4	1.5816						
2-5	1.5816						
2-6	1.5827						
2-7	1.5824						
2-8	1.5123						
2-9	1.5126						
2-10	1.5126						
3	−3.3232	0.74		0.51		0.34	
4	∞	0.0875	1.620	0.600	1.577	1.200	1.571
5	∞						

TABLE 6-2

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 0.357	0.357 ≦ h ≦ 0.563	0.563 ≦ h ≦ 0.779	0.779 ≦ h ≦ 1.229
Aspheric surface coefficient	κ	−5.1901E−01	−5.1920E−01	−5.1610E−01	−5.1369E−01
	A0	0.0000E+00	7.2386E−03	1.4474E−02	2.1741E−02
	A4	1.6812E−02	1.6812E−02	1.6812E−02	1.6812E−02
	A6	7.2184E−04	7.2184E−04	7.2184E−04	7.2184E−04
	A8	3.6921E−03	3.6921E−03	3.6921E−03	3.6921E−03
	A10	−2.3832E−03	−2.3832E−03	−2.3832E−03	−2.3832E−03
	A12	7.3118E−04	7.3118E−04	7.3118E−04	7.3118E−04
	A14	4.3460E−04	4.3460E−04	4.3460E−04	4.3460E−04
	A16	−3.3859E−04	−3.3859E−04	−3.3859E−04	−3.3859E−04
	A18	7.7905E−05	7.7905E−05	7.7905E−05	7.7905E−05
	A20	−3.8236E−06	−3.8236E−06	−3.8236E−06	−3.8236E−06
Optical path difference function	Diffraction order	2/1/1	2/1/1	2/1/1	2/1/1
	*1	395 nm	395 nm	395 nm	395 nm
	C2	−9.6690E−03	−9.6690E−03	−9.6690E−03	−9.6690E−03
	C4	2.8071E−03	2.8071E−03	2.8071E−03	2.8071E−03
	C6	4.5147E−04	4.5147E−04	4.5147E−04	4.5147E−04
	C8	−1.8776E−04	−1.8776E−04	−1.8776E−04	−1.8776E−04
	C10	1.1487E−04	1.1487E−04	1.1487E−04	1.1487E−04
Optical path difference function	Diffraction order	0/0/1	0/0/1	0/0/1	0/0/1
	*1	785 nm	785 nm	785 nm	785 nm
	C2	2.1432E−02	2.1432E−02	2.1432E−02	2.1432E−02
	C4	−1.7579E−03	−1.7579E−03	−1.7579E−03	−1.7579E−03

TABLE 6-2-continued

		Surface no.			
		2	2-1	2-2	2-3
		Area			
		h ≦ 0.357	0.357 ≦ h ≦ 0.563	0.563 ≦ h ≦ 0.779	0.779 ≦ h ≦ 1.229
	C6	6.1798E-04	6.1798E-04	6.1798E-04	6.1798E-04
	C8	-1.7907E-04	-1.7907E-04	-1.7907E-04	-1.7907E-04
	C10	5.5149E-06	5.5149E-06	5.5149E-06	5.5149E-06

*1: Design wavelength

TABLE 6-3

		Surface no.			
		2-4	2-5	2-6	2-7
		Area			
		1.229 ≦ h ≦ 1.279	1.279 ≦ h ≦ 1.313	1.313 ≦ h ≦ 1.338	1.338 ≦ h ≦ 1.360
Aspheric surface coefficient	κ	-5.0865E-01	-5.1138E-01	-5.0846E-01	-5.1704E-01
	A0	1.9053E-02	1.5184E-02	1.1708E-02	7.7827E-03
	A4	1.7171E-02	1.7096E-02	1.6812E-02	1.6882E-02
	A6	7.2184E-04	7.2184E-04	7.2184E-04	7.8583E-04
	A8	3.6921E-03	3.6921E-03	3.6921E-03	3.6921E-03
	A10	-2.3832E-03	-2.3832E-03	-2.3832E-03	-2.3832E-03
	A12	7.3118E-04	7.3118E-04	7.3118E-04	7.3118E-04
	A14	4.3460E-04	4.3460E-04	4.3460E-04	4.3460E-04
	A16	-3.3859E-04	-3.3859E-04	-3.3859E-04	-3.3859E-04
	A18	7.7905E-05	7.7905E-05	7.7905E-05	7.7905E-05
	A20	-3.8236E-06	-3.8236E-06	-3.8236E-06	-3.8236E-06
Optical path difference function	Diffraction order	2/1/1	2/1/1	2/1/1	2/1/1
	*1	395 nm	395 nm	395 nm	395 nm
	C2	-9.6690E-03	-9.6690E-03	-9.6690E-03	-9.6690E-03
	C4	2.8071E-03	2.8071E-03	2.8071E-03	2.8071E-03
	C6	4.5147E-04	4.5147E-04	4.5147E-04	4.5147E-04
	C8	-1.8776E-04	-1.8776E-04	-1.8776E-04	-1.8776E-04
	C10	1.1487E-04	1.1487E-04	1.1487E-04	1.1487E-04
Optical path difference function	Diffraction order				
	*1				
	C2				
	C4				
	C6				
	C8				
	C10				

*1: Design wavelength

TABLE 6-4

		Surface no.			
		2-8	2-9	2-10	3
		Area			
		1.360 ≦ h ≦ 1.693	1.693 ≦ h ≦ 1.795	h ≧ 1.795	
Aspheric surface coefficient	κ	-6.3971E-01	-6.3971E-01	-6.3971E-01	-6.4455E+01
	A0	3.3772E-02	3.3772E-02	3.3772E-02	0.0000E+00
	A4	6.7776E-03	6.7776E-03	6.7776E-03	1.0127E-01
	A6	9.8447E-04	9.8447E-04	9.8447E-04	1.0483E-01
	A8	3.0474E-03	3.0474E-03	3.0474E-03	8.1714E-02
	A10	-1.6077E-03	-1.6077E-03	-1.6077E-03	-4.5164E-02
	A12	1.9240E-04	1.9240E-04	1.9240E-04	1.3855E-02
	A14	2.3762E-04	2.3762E-04	2.3762E-04	1.7611E-03
	A16	-1.6317E-04	-1.6317E-04	-1.6317E-04	0.0000E+00
	A18	4.5602E-05	4.5602E-05	4.5602E-05	0.0000E+00
	A20	-4.8919E-06	-4.8919E-06	-4.8919E-06	0.0000E+00
Optical path difference function	Diffraction order	5/3/2	2/1/1	5/3/2	
	*1	405 nm	405 nm	405 nm	
	C2	-2.9493E-03	-7.3734E-03	-2.9493E-03	

TABLE 6-4-continued

		Surface no.			
		2-8	2-9	2-10	3
		Area			
		1.360 ≦ h ≦ 1.693	1.693 ≦ h ≦ 1.795	h ≧ 1.795	
	C4	2.1334E-04	5.3335E-04	2.1334E-04	
	C6	-3.0344E-05	-7.5859E-05	-3.0344E-05	
	C8	-2.1699E-05	-5.4247E-05	-2.1699E-05	
	C10	-4.3323E-06	-1.0831E-05	-4.3323E-06	
Optical path difference function	Diffraction order				
	*1				
	C2				
	C4				
	C6				
	C8				
	C10				

*1: Design wavelength

Further, as for the temperature characteristics of the objective optical element of Example 5, δSAT1 is +0.0308 WFEλ rms/° C., and δSAT2 is +0.00176 WFEλ rms/° C. Further, because f of the objective optical element for the first wavelength is 2.20 mm, δSAT1/f is +0.0014 WFEλ rms/(° C.·mm), and δSAT2/f is +0.0008 WFEλ rms/(° C.·mm). Further, as for the wavelength characteristics of the objective optical element of Example 5, δSAλ is −0.02618 λrms/nm, and δSAλ/f is −0.0119 λrms/(nm·mm). Hereupon, the using wavelength is 405 nm, and the ambient temperature for the wavelength characteristics is 25° C.

Furthermore, in case that there is provided collimator lens CL which is a single lens same as the collimator lens used in Example 4, and the collimator lens is used for Example 5 with being combined with the objective optical element in Example 5, δSAT3 is +0.000198 WFEλ rms/° C., and δSAT3/f is +0.00009 WFEλ rms/(° C.·mm).

Next, an example of the manufacturing method of the optical pickup apparatus by using the objective optical element of Example 4 or 5, and the similar objective optical element to them, will be described. Herein, it is considered that the objective optical element is optimized to the blue-violet semiconductor laser LD1 in which the deviation of the oscillation wavelength is larger. Initially, it is defined that the reference wavelength of the blue-violet semiconductor laser LD1 is 405 nm. The objective optical element in the first group is formed as follows. The objective optical element is designed, for the reference wavelength, so as to include an optical path difference providing structure by which the spherical aberration becomes optimum when the design wavelength is 402 nm. The first metallic mold corresponding to the objective optical element is produced, and the objective optical element molded by the first metallic mold is labeled as the first group.

The objective optical element in the second group is formed as follows. The objective optical element is designed so as to include an optical path difference providing structure by which the spherical aberration becomes optimum when the design wavelength is 403 nm. The second metallic mold corresponding to the objective optical element is produced, and the objective optical element molded by the second metallic mold is labeled as the second group.

The objective optical element in the third group is formed as follows. The objective optical element is designed so as to include an optical path difference providing structure by which the spherical aberration becomes optimum when the design wavelength is 404 nm. The third metallic mold corresponding to the objective optical element is produced, and the objective optical element molded by the third metallic mold is labeled as the third group.

The objective optical element in the fourth group is formed as follows. The objective optical element is designed so as to include an optical path difference providing structure by which the spherical aberration becomes optimum when the design wavelength is 405 nm. The fourth metallic mold corresponding to the objective optical element is produced, and the objective optical element molded by the fourth metallic mold is labeled as the fourth group.

The objective optical element in the fifth group is formed as follows. The objective optical element is designed so as to include an optical path difference providing structure by which the spherical aberration becomes optimum when the design wavelength is 406 nm. The fifth metallic mold corresponding to the objective optical element is produced, and the objective optical element molded by the fifth metallic mold is labeled as the fifth group.

The objective optical element in the sixth group is formed as follows. The objective optical element is designed so as to include an optical path difference providing structure by which the spherical aberration becomes optimum when the design wavelength is 407 nm. The sixth metallic mold corresponding to the objective optical element is produced, and the objective optical element molded by the sixth metallic mold is labeled as the sixth group.

The objective optical element in the seventh group is formed as follows. The objective optical element is designed so as to include an optical path difference providing structure by which the spherical aberration becomes optimum when the design wavelength is 408 nm. The seventh metallic mold corresponding to the objective optical element is produced, and the objective optical element molded by the seventh metallic mold is labeled as the seventh group.

In this embodiment, the specification of the optical path difference providing structure is divided into seven groups. However it is to be understood that various changes and modifications will be apparent to those skilled in the art. For example, the numbers of groups may be 3 or 5.

FIG. **15** is a perspective view of the molded objective lens OBJ. As shown in FIG. **15**, a convex or concave identification mark M is formed on the circular flange F arranged around the

optical surface OP in the objective optical element OBJ. The mark can be simultaneously transferred and formed on the objective optical element OBJ at the time of the molding of the objective optical element OBJ by previously forming concave portion or convex portion corresponding to the mark on the flange transfer surface of the metallic mold (not shown). In the present embodiment, when one identification mark M is formed, it shows that the objective lens belongs to the first group. When two identification marks M are formed, it shows that the objective lens belongs to the second group. When three identification marks M are formed, it shows that the objective lens belongs to the third group. The succeeding groups are identified by the same manner. Hereupon, a method of labeling the groups is not limited to the above method. For example, the different identification mark may also be attached on that tray of an objective optical lens, cartridge or box for packaging that.

FIG. **16** is a flowchart showing the manufacturing method of the optical pickup apparatus according to the present embodiment. In step **S101** of FIG. **16**, the oscillation wavelength λ1 of the arbitrary blue-violet semiconductor laser diode is measured. Next, in step **S102**, if the measured oscillation wavelength λ1 is 401.5 nm or more, and less than 402.5 nm, n is set to 1; if the measured oscillation wavelength λ1 is 402.5 nm or more, and less than 403.5 nm, n is set to 2; if the measured oscillation wavelength λ1 is 403.5 nm or more, and less than 404.5 nm, n is set to 3; when the measured oscillation wavelength λ1 is 404.5 nm or more, and less than 405.5 nm, n is set to 4; if the measured oscillation wavelength λ1 is 405.5 nm or more, and less than 406.5 nm, n is set to 5; when the measured oscillation wavelength λ1 is 406.5 nm or more, and less than 407.5 nm, n is set to 6; and if the measured oscillation wavelength λ1 is 407.5 nm or more, and less than 408.5 nm, n is set to 7. Hereupon, when the oscillation wavelength λ1 of the blue-violet semiconductor laser is less than 401.5 nm, or is 408.5 nm or more, it may be replaced with another one as the product which is out of the tolerance.

In succeeding step **S103**, the objective optical element in the n-th group is selected. Further, in step **S104**, when the measured blue-violet semiconductor laser diode and parts including the selected objective optical element are assembled, the optical pickup apparatus is completed.

The present invention is not limited to the examples described in the specification, it is apparent to those skilled in the art, from the examples and spirit described in the present specification that the invention includes other examples and modified examples. The description and examples in the specification is persistently purposed for the exemplification, and the scope of the present invention is shown by the following claims.

What is claimed is:

1. An optical pickup apparatus for recording and/or reproducing information for an optical disk, the optical pickup apparatus comprising:

a first light source for emitting a first light flux having a first wavelength **λ1**;

a second light source for emitting a second light flux having a second wavelength **λ2** (**λ2>λ1**);

a third light source for emitting a third light flux having a third wavelength **λ3** (**λ3>λ2**); and

an objective optical element

for converging the first light flux onto an information recording surface of a first optical disk having a protective substrate with a thickness **t1**,

for converging the second light flux onto an information recording surface of a second optical disk having a protective substrate with a thickness **t2** (**t1≦t2**), and

for converging the third light flux onto an information recording surface of a third optical disk having a protective substrate with a thickness **t3** (**t2<t3**),

wherein the optical pickup apparatus records and/or reproduces information by converging the first light flux onto the information recording surface of the first optical disk, by converging the second light flux onto the information recording surface of the second optical disk, and by converging the third light flux onto the information recording surface of the third optical disk,

wherein the objective optical element comprises an optical surface comprising at least two areas which are a central area and a peripheral area surrounding the central area,

the central area comprises a first optical path difference providing structure,

the peripheral area comprises a second optical path difference providing structure,

wherein the objective optical element converges the first light flux which passes through the central area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk,

the objective optical element converges the second light flux which passes through the central area of the objective optical element onto the information recording surface of the second optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the second optical disk,

the objective optical element converges the third light flux which passes through the central area of the objective optical element onto the information recording surface of the third optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the third optical disk,

the objective optical element converges the first light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk, and

the objective optical element converges the second light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the second optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the second optical disk, and

wherein the third light flux which has passed through the first optical path difference providing structure forms a first best focus in which the third light flux forms a spot having a smallest diameter, and

the third light flux which has passed through the first optical path difference providing structure forms a second best focus in which the third light flux forms a spot having a second smallest diameter, and

the first best focus and the second best focus satisfy a following expression:

$$0.05 \leqq L/f \leqq 0.35,$$

where f (mm) is a focal length of the objective optical element for the third light flux which passes through the first optical path difference structure and forms the first best focus, and

L (mm) is a distance between the first best focus and the second best focus.

2. The optical pickup apparatus of claim 1,

wherein the third light flux which has passed through the objective optical element forms a spot on the information recording surface of the third optical disk, and

the spot comprises, in order from a center to an outside of the spot when viewing the spot from a direction of an optical axis of the objective optical element:

a central spot portion having a highest light density;

an intermediate spot portion having a lower light density than the central spot portion; and

a peripheral spot portion having a higher light density than the intermediate spot portion and having a lower light density than the central spot portion, and

wherein the central spot portion is used for recording and/or reproducing information for the third optical disk,

the intermediate spot portion and the peripheral spot portion are not used for recording and/or reproducing information for the third optical disk, and

the peripheral spot portion is formed by the third light flux which has passed through the second optical path difference providing structure of the objective optical element.

3. The optical pickup apparatus of claim 1,

wherein the spot formed by the third light flux in the first best focus is used for recording and/or reproducing information for the third optical disk, and

the spot formed by the third light flux in the second best focus is not used for recording and/or reproducing information for the third optical disk.

4. The optical pickup apparatus of claim 1,

wherein the optical surface of the objective optical element further comprises a most peripheral area surrounding the peripheral area and being a refractive surface.

5. The optical pickup apparatus of claim 1,

wherein the optical surface of the objective optical element further comprises a most peripheral area surrounding the peripheral area and comprising a third optical path difference providing structure.

6. The optical pickup apparatus of claim 5,

wherein the objective optical element converges the first light flux passing through the most peripheral area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information for the first optical disk.

7. The optical pickup apparatus of claim 1,

wherein the first optical path difference providing structure corrects a spherical aberration for the first light flux and the second light flux each passing through the first optical path difference providing structure, the spherical aberration being caused by a difference between the thickness t1 of the protective substrate of the first optical disk and the thickness t2 of the protective substrate of the second optical disk.

8. The optical pickup apparatus of claim 1,

wherein the first optical path difference providing structure corrects a spherical aberration for the first light flux and the third light flux each passing through the first optical path difference providing structure, the spherical aberration being caused by a difference between the thickness t1 of the protective substrate of the first optical disk and the thickness t3 of the protective substrate of the third optical disk.

9. The optical pickup apparatus of claim 1,

wherein the second optical path difference providing structure corrects a spherical aberration for the first light flux and the second light flux each passing through the second optical path difference providing structure, the spherical aberration being caused by a difference between the thickness t1 of the protective substrate of the first optical disk and the thickness t2 of the protective substrate of the second optical disk.

10. The optical pickup apparatus of claim 1,

wherein the second optical path difference providing structure corrects a spherochromatism for the first light flux and the second light flux each passing through the second optical path difference providing structure, the spherochromatism being caused by a slight fluctuation of the wavelength of the first light flux or the second light flux.

11. The optical pickup apparatus of claim 1, satisfying following expressions:

$$-0.02<m1<0.02, \text{ and}$$

$$-0.02<m2<0.02,$$

where m1 is a magnification of the objective optical element when the first light flux enters into the objective optical element, and

m2 is a magnification of the objective optical element when the second light flux enters into the objective optical element.

12. The optical pickup apparatus of claim 11, further satisfying a following expression:

$$-0.02<m3<0.02,$$

where m3 is a magnification of the objective optical element when the third light flux enters into the objective optical element.

13. The optical pickup apparatus of claim 11, further satisfying a following expression:

$$-0.10<m3<0.00$$

where m3 is a magnification of the objective optical element when the third light flux enters into the objective optical element.

14. The optical pickup apparatus of claim 1,

wherein the objective optical element is a single lens.

15. The optical pickup apparatus of claim 14,

wherein the objective optical element is a plastic lens.

16. The optical pickup apparatus of claim 1,

wherein the objective optical element comprises the first optical path difference providing structure and the second optical path difference providing structure, which are arranged on a same optical surface of the objective optical element.

17. The optical pickup apparatus of claim 4,

wherein the objective optical element comprises the first optical path difference providing structure, the second optical path difference providing structure, and the most peripheral area which is a refractive surface, which are arranged on a same optical surface of the objective optical element.

18. The optical pickup apparatus of claim 5,

wherein the objective optical element comprises the first optical path difference providing structure, the second optical path difference providing structure, and the most peripheral area including the third optical path difference providing structure, which are arranged on a same optical surface of the objective optical element.

19. An objective optical element for use in an optical pickup apparatus, the optical pickup apparatus comprising

a first light source for emitting a first light flux having a first wavelength λ1;

a second light source for emitting a second light flux having a second wavelength λ2 (λ2>λ1); and

a third light source for emitting a third light flux having a third wavelength λ3 (λ3>λ2), and

conducting recording and/or reproducing information using the first light flux for a first optical disk having a protective substrate with a thickness t1,

conducting recording and/or reproducing information using the second light flux for a second optical disk having a protective substrate with a thickness t2 (t1≦t2), and

conducting recording and/or reproducing information using the third light flux for a third optical disk having a protective substrate with a thickness t3 (t2<t3),

the objective optical element comprising:

an optical surface comprising at least two areas which are a central area and a peripheral area surrounding the central area,

wherein the central area comprises a first optical path difference providing structure,

the peripheral area comprises a second optical path difference providing structure,

wherein the objective optical element converges the first light flux which passes through the central area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk,

the objective optical element converges the second light flux which passes through the central area of the objective optical element onto the information recording surface of the second optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the second optical disk,

the objective optical element converges the third light flux which passes through the central area of the objective optical element onto the information recording surface of the third optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the third optical disk,

the objective optical element converges the first light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk, and

the objective optical element converges the second light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the second optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the second optical disk, and

wherein the third light flux which has passed through the first optical path difference providing structure forms a first best focus in which the third light flux forms a spot having a smallest diameter, and

the third light flux which has passed through the first optical path difference providing structure forms a second best focus in which the third light flux forms a spot having a second smallest diameter, and

the first best focus and the second best focus satisfy a following expression:

$$0.05 \leqq L/f \leqq 0.35,$$

where f (mm) is a focal length of the objective optical element for the third light flux which passes through the first optical path difference structure and forms the first best focus, and

L (mm) is a distance between the first best focus and the second best focus.

20. The objective optical element of claim 19,

wherein the third light flux which has passed through the objective optical element forms a spot at a position where the first best focus is formed, and

the spot comprises, in order from a center to an outside of the spot when viewing the spot from a direction of an optical axis of the objective optical element:

a central spot portion having a highest light density;

an intermediate spot portion having a lower light density than the central spot portion; and

a peripheral spot portion having a higher light density than the intermediate spot portion and having a lower light density than the central spot portion, and

wherein the central spot portion is used for recording and/or reproducing information for the third optical disk,

the intermediate spot portion and the peripheral spot portion are not used for recording and/or reproducing information for the third optical disk, and

the peripheral spot portion is formed by the third light flux which has passed through the second optical path difference providing structure of the objective optical element.

21. The objective optical element of claim 19,

wherein the optical surface of the objective optical element further comprises a most peripheral area surrounding the peripheral area and being a refractive surface.

22. The objective optical element of claim 21,

wherein the objective optical element converges the first light flux passing through the most peripheral area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information for the first optical disk.

23. The objective optical element of claim 22,

wherein the objective optical element converges the first light flux passing through the most peripheral area of the objective optical element so as to form a spot.

24. The objective optical element of claim 19,

wherein the first optical path difference providing structure corrects a spherical aberration for the first light flux and the second light flux each passing through the first optical path difference providing structure, the spherical aberration being caused by a difference between the thickness t1 of the protective substrate of the first optical disk and the thickness t2 of the protective substrate of the second optical disk.

25. The objective optical element of claim 19,

wherein the first optical path difference providing structure corrects a spherical aberration for the first light flux and the third light flux each passing through the first optical path difference providing structure, the spherical aberration being caused by a difference between the thickness t1 of the protective substrate of the first optical disk and the thickness t3 of the protective substrate of the third optical disk.

26. The objective optical element of claim 19,

wherein the second optical path difference providing structure corrects a spherical aberration for the first light flux and the second light flux each passing through the second optical path difference providing structure, the spherical aberration being caused by a difference between the thickness t1 of the protective substrate of the first optical disk and the thickness t2 of the protective substrate of the second optical disk.

27. The objective optical element of claim 19,

wherein the second optical path difference providing structure corrects a spherochromatism for the first light flux and the second light flux each passing through the second optical path difference providing structure, the spherochromatism being caused by a slight fluctuation of the wavelength of the first light flux or the second light flux.

28. The objective optical element of claim 19,

wherein the objective optical element is a single lens.

29. The objective optical element of claim 28,

wherein the objective optical element is a plastic lens.

30. The objective optical element of claim 21,

wherein the objective optical element comprises the first optical path difference providing structure and the second optical path difference providing structure, which are arranged on a same optical surface of the objective optical element.

31. The objective optical element of claim 22,

wherein the objective optical element comprises the first optical path difference providing structure, the second optical path difference providing structure, and the most peripheral area which is a refractive surface, which are arranged on a same optical surface of the objective optical element.

32. The objective optical element of claim 21,

wherein the objective optical element comprises the first optical path difference providing structure, the second optical path difference providing structure, and the most peripheral area comprising the third optical path difference providing structure, which are arranged on a same optical surface of the objective optical element.

33. An optical information recording and/or reproducing apparatus, comprising:

an optical pickup apparatus comprising:

a first light source for emitting a first light flux having a first wavelength $\lambda 1$;

a second light source for emitting a second light flux having a second wavelength $\lambda 2$ ($\lambda 2>\lambda 1$);

a third light source for emitting a third light flux having a third wavelength $\lambda 3$ ($\lambda 3>\lambda 2$); and

an objective optical element

for converging the first light flux onto an information recording surface of a first optical disk having a protective substrate with a thickness t1,

for converging the second light flux onto an information recording surface of a second optical disk having a protective substrate with a thickness t2 ($t1 \leqq t2$), and

for converging the third light flux onto an information recording surface of a third optical disk having a protective substrate with a thickness t3 ($t2<t3$),

wherein the optical pickup apparatus records and/or reproduces information by converging the first light flux onto the information recording surface of the first optical disk, by converging the second light flux onto the information recording surface of the second optical disk, and by converging the third light flux onto the information recording surface of the third optical disk,

wherein the objective optical element comprises an optical surface comprising at least two areas which are a central area and a peripheral area surrounding the central area,

the central area comprises a first optical path difference providing structure,

the peripheral area comprises a second optical path difference providing structure,

wherein the objective optical element converges the first light flux which passes through the central area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk,

the objective optical element converges the second light flux which passes through the central area of the objective optical element onto the information recording surface of the second optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the second optical disk,

the objective optical element converges the third light flux which passes through the central area of the objective optical element onto the information recording surface of the third optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the third optical disk,

the objective optical element converges the first light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the first optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the first optical disk, and

the objective optical element converges the second light flux which passes through the peripheral area of the objective optical element onto the information recording surface of the second optical disk so that the optical pickup apparatus can record and/or reproduce information on the information recording surface of the second optical disk, and

wherein the third light flux which has passed through the first optical path difference providing structure forms a first best focus in which the third light flux forms a spot having a smallest diameter, and

the third light flux which has passed through the first optical path difference providing structure forms a second best focus in which the third light flux forms a spot having a second smallest diameter, and

the first best focus and the second best focus satisfy a following expression:

$$0.05 \leqq L/f \leqq 0.35,$$

where f (mm) is a focal length of the objective optical element for the third light flux which passes through the first optical path difference structure and forms the first best focus, and

L (mm) is a distance between the first best focus and the second best focus.

34. The optical information recording and/or reproducing apparatus of claim 33,

wherein the third light flux which has passed through the objective optical element forms a spot on the information recording surface of the third optical disk, and

the spot comprises, in order from a center to an outside of the spot when viewing the spot from a direction of an optical axis of the objective optical element:

a central spot portion having a highest light density;

an intermediate spot portion having a lower light density than the central spot portion; and

a peripheral spot portion having a higher light density than the intermediate spot portion and having a lower light density than the central spot portion, and

wherein the central spot portion is used for recording and/or reproducing information for the third optical disk,

the intermediate spot portion and the peripheral spot portion are not used for recording and/or reproducing information for the third optical disk, and

the peripheral spot portion is formed by the third light flux which has passed through the second optical path difference providing structure of the objective optical element.

* * * * *

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AUG 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Devries et al.	:	
Application No. 11/712,929	:	ON PETITION
Filed: March 1, 2007	:	
Attorney Docket No. 90261.22004	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 17, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks item(s) (1). The Amendment submitted to the Examiner on June 17, 2010 failed to place the above-identified application in prima facie condition for allowance. A proper reply to a final rejection under 37 CFR 1.113 may be: (1) an amendment, which places

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

[2] See MPEP 711.03(c)(III)(C) and (D).

the application in condition for allowance; (2) a Notice of Appeal (with appeal fee); or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Petitioner must submit one of the above documents in order to revive the above-identified application.

The Advisory Action issued by the Examiner is enclosed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

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

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

By hand: Customer Window located at:

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/712,929	Applicant(s) DEVRIES ET AL.	
	Examiner Annette F. Dixon	Art Unit 3771	

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

THE REPLY FILED 17 June 2010 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: *4-14*.
   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 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: _____.

/Justine R Yu/
Supervisory Patent Examiner, Art Unit 3771

/Annette F Dixon/
Examiner, Art Unit 3771

Continuation of 3. NOTE: Applicant's proposed claim amendments to independent claims 5, 11, and 14 changing the limitations to read "a ventilator processor [operative] programmed to alternately accelerate and decelerate the blower..." are insufficient to place the application into condition for allowance and do not place the application into better form for appeal. Specifically, the prior art reference operates in the manner as claimed and the program directing the operation of this manner would be inherent. Regarding claim 4, the proposed amendment does not affect the scope of the claims as the combination of the prior art teaches inter-lobed impellers characteristic of Roots® Blowers.

Continuation of 11. does NOT place the application in condition for allowance because: As addressed in Amendment heading 3, the prior art reference operates in the manner as claimed to accelerate and decelerate the blower, thus, the program directing this process is inherent. Regarding claim 4, the proposed amendment does not affect the scope of the claims as the combination of the prior art teaches inter-lobed impellers characteristic of Roots® Blowers..

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CAREFUSION C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Devries et al.	:	
Application No. 11/712,929	:	ON PETITION
Filed: March 1, 2007	:	
Attorney Docket No. 90261.22004	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed October 4, 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 a Request for Continued Examination (RCE) and a Preliminary Amendment, (2) the petition fee of $1620.00 (previously paid on June 17, 2010), 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 3771 for further processing of the RCE filed concurrently with the instant petition.

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

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen, et al.
Application No. 11/713,092
Filed: February 28, 2007
Attorney Docket No. QQ1-0194US

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.

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).

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

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OFFICE OF PETITIONS

HOSSEIN KESHTKAR
2646 WAYSIDE DRIVE
ANN ARBOR MI 48103

In re Application of
Hossein Estahbanati Keshtkar
Application No. 11/713,130
Filed: March 7, 2007
Attorney Docket No.

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 11, 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 12, 2009.

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) (2).

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is **$1620**. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee required fee is **$810**, which is half the amount indicated. See 37 CFR 1.27.

The petition in the above identified application was not accompanied by full payment of the required fee. An additional **$40** is due to complete the requirements. No consideration on the merits can be given that petition until all required fee is 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) 272-1642.

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
www.uspto.gov

HOSSEIN KESHTKAR
2646 WAYSIDE DRIVE
ANN ARBOR, MI 48103

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of
Hossein Estahbanati Keshtkar
Application No. 11/713,130
Filed: March 7, 2007
Attorney Docket No.

DECISION ON PETITION

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 11, 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 12, 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.

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 3655 for appropriate action by the Examiner in the normal course of business on the reply received July 26, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

THERMO FINNIGAN LLC
355 RIVER OAKS PARKWAY
SAN JOSE CA 95134

In re Application of	:	
Viatcheslav V. Kovtoun	:	
Application No. 11/713,263	:	DECISION ON PETITION
Filed: March 2, 2007	:	
Attorney Docket No. 2826US/NAT	:	

This is a decision on the petition, filed March 19, 2010, requesting re-mailing of an Office action 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 is held abandoned for failure to reply to the Notification of Non-Compliant Appeal Brief (Notice) mailed December 16, 2009, which set a one (1) month or thirty day period for reply.

Petitioner asserts that the Notice dated December 16, 2009 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.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt 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 all of the above-stated requirements. Specifically, items (1) and (2) have not been provided.

Accordingly, absent the required evidence to establish non-receipt of the Office action of December 16, 2010, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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THERMO FINNIGAN LLC
355 RIVER OAKS PARKWAY
SAN JOSE CA 95134

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APR 14 2011

OFFICE OF PETITIONS

In re Application of :
Viatcheslav V. Kovtoun :
Application No. 11/713,263 : DECISION ON PETITION
Filed: March 2, 2007 :
Attorney Docket No. 2826US/NAT :

This is a decision on the renewed petition under 37 CFR 1.181, filed March 9, 2011,) 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 Appeal Brief (Notice) mailed December 16, 2009.

Petitioner asserts that the Notice, dated May 19, 2009, was not received.

The petition under 37 CFR 1.181 filed March 19, 2010 was dismissed in a decision mailed February 24, 2011.

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 practitioner stating that the Notice was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and

3. a copy of the docket record where the non-received Notice would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The renewed 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 Board of Appeals for re-mailing the Notice of December 16, 2009. The period for reply will run from the mailing date of the Notice.

Carl Friedman
Petitions Examiner
Office of Petitions

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 0211

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DEC 2 0 2010

OFFICE OF PETITIONS

In re Patent No. 7,786,090	:
Issued: August 31, 2010	: DECISION ON REQUEST FOR
Application No. 11/713,302	: RECONSIDERATION OF
Filed: March 1, 2007	: PATENT TERM ADJUSTMENT
Attorney Docket No. 29297-007001 US	:

This is a decision on the "APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b)" filed October 27, 2010. Since the request is after issuance, the request is being treated under 37 CFR 1.705(d).

The request is **DISMISSED**.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer,** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On August 31, 2010, the above-identified application matured into U.S. Patent No. 7,786,090 with a revised patent term adjustment of 475 days. On October 27, 2010, patentees timely submitted this application for patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 483 days.

Patentee disputes the reduction of 46 days for applicant delay and argues that "the Office incorrectly reduced the patent term of this application by 8 days in connection with the sequence listing submitted on May 26, 2010, prior to the payment of the issue fee on June 23, 2010. The sequence listing was submitted at the express telephonic request of the Examiner, made on May 25, 2010. Accordingly, the submission of the sequence listing should not have caused a substantial interference with the patent issue process and therefore should not be deemed a failure to engage in reasonable efforts to conclude processing or examination of an application under 37 CFR § 1.704(c)(10)."

Applicant's argument has been considered but is not found to be persuasive.

A review of the file reveals that 8 days were deducted for applicant delay for a miscellaneous incoming letter filed on May 26, 2010 after allowance of an Application for Patent Term Adjustment. The reduction in question, after the mailing of the Notice of Allowance was an AMENDMENT AFTER NOTICE OF ALLOWANCE UNDER 37 C.F.R. § 1.312.

37 CFR § 1.704(c)(10) provides that:

> 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;

The reduction has been considered a proper a basis for reduction of patent term adjustment pursuant to § 1.704(c)(10).

As stated in MPEP 2732:

> 37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.
>
> Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to

conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

An amendment under 37 CFR 1.312 is clearly stated as a failure to engage. It is undisputed that such an amendment was filed. The fact that applicant believes the amendment was requested by the Examiner does not negate the fact that applicant by definition failed to engage in reasonable efforts to conclude examination and therefore interfered with the patent issuance process by filing the amendment.

In view thereof, the patent term adjustment indicated in the patent is properly reflected.

The Office acknowledges the submission of the required fee of $200.00 set forth in 37 CFR 1.18(e) .

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS MI 48304-5086

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SEP 3 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Andrew Bartels	:	
Application No. 11/713,314	:	DECISION ON PETITION
Filed: May 2, 2007	:	TO WITHDRAW
Attorney Docket No. 065395-0011	:	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 10, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the proper certifications were not made on the PTO/SB/63 form. Box #2 was left unchecked.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Robert T. Sill**
3370 N. Hayden Road
Suite 123
PMB 736
Scottsdale, AZ 85251

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DYKEMA GOSSETT PLLC
39577 Woodward Avenue
Suite 300
Bloomfield Hills, MI 48304-5086

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OCT 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Andrew Bartels	:	
Application No. 11/713,314	:	DECISION ON PETITION
Filed: March 2, 2007	:	TO WITHDRAW
Attorney Docket No. 065395-0011	:	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 October 7, 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 Jeffrey L. Doyle 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 June 10, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Robert T. Sill**
3370 N. Hayden Road, Suite 123
PMB 736
Scottsdale, AZ 58251

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/713,314	03/02/2007	Andrew Bartels	065395-0011

CONFIRMATION NO. 3495

POWER OF ATTORNEY NOTICE

26127
DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304-5086

OC000000044142248

Date Mailed: 10/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/07/2010.

- 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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,319	03/01/2007	Brent Delzer	G07-NPAF3455	2950

7590 12/28/2010

Dana S. Rewoldt, Esq.
Syngenta Seeds
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EXAMINER
FOX, DAVID T

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

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DEC 2 8 2010

Dana S. Rewoldt, Esq.
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In re Application of:
Brent Delzer
Serial No.: 11/713,319
Filed: March 1, 2007
Attorney Docket No.: **G07-NPAF3455**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on June 23, 2009 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,339	03/02/2007	Egbert Classen	2000P12028US02	1677

46726 7590 02/14/2011
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER
BOYER, CHARLES I

ART UNIT	PAPER NUMBER
1761	

NOTIFICATION DATE	DELIVERY MODE
02/14/2011	ELECTRONIC

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Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed : 2/14/2011

In re Application of	: DECISION ON
Classen	: PETITION
Serial No. 11/713,339	:
Filed: March 2, 2007	:
For: **METHODS FOR MECHANICAL CLEANING OF TEXTILES OR SOLID OBJECTS**	

This is a decision on Applicant's request to withdraw the restriction requirement made in the Non-Final Office Action of February 22, 2010. The Examiner determined that newly submitted claims 19-28 were directed to an invention that was independent or distinct from the invention originally claimed. The Examiner gave the reason because of Applicant's own admission that the new claims contain additional features.

Applicant traversed the restriction requirement in their response of May 17, 2010. Applicant asserts that the restriction requirement was improper because it did not provide the reasons why each invention as claimed is either independent or distinct from the others under any of the criteria set forth in M.P.E.P. 806.05(c) through 806.06. In response to Applicant's traversal, the Examiner in the August 6, 2010 Office Action states that the new claims contain numerous additional method steps, including filtering the initial washing liquid, subsequently filtering the liquid and an additional detergent cycle step. The restriction requirement was made FINAL.

Numerous additional method steps are not a basis for establishing the existence of a serious burden. The Examiner has failed to establish why each invention as claimed is either independent or distinct form the other and the reasons why there would be a serious burden on the Examiner if restriction is not requires (M.P.E.P. 808).

DECISION

The petition is **GRANTED**.

11/713,339

The Restriction Requirement is withdrawn.

/Yvonne Eyler/
Director, Technology Center 1700

Yvonne L. Eyler, Director
Technology Center 1700
Chemical and Materials Engineering

James E. Howard
BSH HOME APPLIANCES CORPORATION
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HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of

Uusimaki, et al.

Application No. 11/713,346

Filed: March 2, 2007

Attorney Docket No. **852.0053.U1(US)**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 7, 2010.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 25, 2010, after it was believed that no response was received to the non-final Office action[1] mailed December 24, 2009. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on September 1, 2010, indicating that a reply to the notice was not received.

A review of the application file record did reveal that response to the non-final Office was filed on February 8, 2010. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 2600, GAU 2618, for further processing, including processing of the response filed February 8, 2010.

[1] It is noted that examiner has noted the action mailed December 24, 2009, is a non-final Office action with a shortened period for reply of three months from its mailing date. The contents of the action mailed December 24, 2009, indicate that it is a restriction requirement, which typically sets shortened period for reply of one month from its mailing date. Because the examiner set a shortened statutory period for reply of three months from the action's mailing date, this period will be honored.

Further inquires regarding 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,358	03/01/2007	Robert L. Miller	G07-NPXA5489	1738

7590 12/28/2010

Dana S. Rewoldt, Esq.
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EXAMINER
FOX, DAVID T

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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DEC 2 8 2010

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In re Application of:
Robert Miller
Serial No.: 11/713,358
Filed: March 1, 2007
Attorney Docket No.: **G07-NPXA5489**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on June 23, 2009 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,359	03/01/2007	Bob L. Miller	INBRED CORN LINE G07-NPXA	1698

7590 12/28/2010

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EXAMINER
FOX, DAVID T

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

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In re Application of:
Bob Miller
Serial No.: 11/713,359
Filed: March 1, 2007
Attorney Docket No.: **INBRED CORN LINE G07-NPXA**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on June 23, 2009 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,371	03/01/2007	Jason Cromley	G07-NPFA7183	9624

7590 12/28/2010

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EXAMINER
MEHTA, ASHWIN D

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

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Dana S. Rewoldt, Esq.
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In re Application of:
Jason Cromley
Serial No.: 11/713,371
Filed: March 1, 2007
Attorney Docket No.: **G07-NPFA7183**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 23, 2009, 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,372	03/01/2007	David Vaugan Uhr	G07-NPFA7278	9614

7590 01/05/2011

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EXAMINER
MEHTA, ASHWIN D

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
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Slater IA 50244

In re Application of:
David Uhr
Serial No.: 11/713,372
Filed: March 1, 2007
Attorney Docket No.: **G07-NPFA7278**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on May 11, 2009 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,373	03/01/2007	Christopher Clucas	G07-NPAX5290	9629

7590 12/28/2010

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EXAMINER
MEHTA, ASHWIN D

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

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Dana S. Rewoldt, Esq.
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In re Application of:
Christopher Clucas
Serial No.: 11713,373
Filed: March 1, 2007
Attorney Docket No.: **G07-NPAX5290**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on May 11, 2009 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,526	03/01/2007	Thomas Prest	G07-NPFF6309	4353

7590 12/28/2010

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EXAMINER
KRUSE, DAVID H

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

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DEC 2 8 2010

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In re Application of:
Thomas Prest
Serial No.: 11/713,526
Filed: March 1, 2007
Attorney Docket No.: **G07-NPFF6309**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 23, 2009, 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,533	03/02/2007	Salim G. Kara	61135/P004CP1CP1C1C2/1060	9213

29053 7590 03/07/2011
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EXAMINER
WU, RUTAO

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
03/07/2011	ELECTRONIC

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doipdocket@fulbright.com

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MAR 0 4 2011

Fulbright & Jaworski LLP
2200 Ross Avenue
Suite 2800
Dallas, TX 75201-2784

In re Application of: Salim Kara	:	**DECISION ON PETITION**
Application No. 11/713,533	:	**TO WITHDRAW**
Filed: March 2, 2007	:	**RESTRICTION REQUIREMENT**
For: SYSTEM AND METHOD FOR	:	**UNDER 37 C.F.R. 1.144**
PRINTING MULTIPLE POSTAGE	:	
INDICIA	:	

This is in response to applicant's petition filed under 37 C.F.R. 1.144 on June 11, 2010 to request that the November 24, 2009 restriction requirement be withdrawn.

The petition is **GRANTED.**

As applicant points out, claims 1-17 (Group I), claims 18-22 (Group II), and claims 23-27 (Group III) were restricted each from another as subcombinations usable together. Applicant alleges that the examiner failed to meet the necessary burden requiring the inventions to be independent or distinct as claimed and failed to show no serious burden if restriction is not required.

According to M.P.E.P. § 808, there are *"two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent or distinct as claimed"; and "(B) There would be a serious burden on the examiner if restriction is not required."*

M.P.E.P. §806.05(d) provides *that "two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants...The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable....The examiner must show, by way of example, that one of the subcombinations has utility other than the disclosed combination."*

Applicant argues that the examiner has failed to show that the subcombinations do not overlap in scope. Applicant further states that Groups I, II, and III all include a postage indicia label portion and an address label portion. Groups I, II, and II also all include a carrier substrate on which the postage indicia label portion and the address label portion are disposed. Even though

claim 18 recites that the postage indicial label portion and the address label portion are disposed upon the document [to be mailed], the scope of the recited "carrier substrate" as described in the application include the document to be mailed.

Applicant also argues that the examiner has not shown a serious burden for continued examination of Groups I, II, and III. The applicant supports this assertion by pointing out that the original claims of Group I-III have been previously searched and examined together in a non-final Office action mailed on May 1, 2009.

A review of the record indicates that applicant's arguments are persuasive and that there is an overlap in scope between the claimed inventions in each of the Groups I – III.

In view of the findings above, the restriction requirement with regard to claims 1-27 is vacated. Since a non-final office action was issued on December 8, 2010, subsequent to the filing of the petition, and before the decision on petition was issued, the non-final office action of December 8, 2010 will be vacated. Accordingly, the application will be returned to the examiner to examine claims 1-27.

Inquiries related to this decision may be directed to Supervisory Patent Examiner John Hayes at (571) 272-6708.

Wynn Coggins, Director
Technology Center 3600
(571) 272-5350

JWH/LM: 2/23/2011
LM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 22 2010

OFFICE OF PETITIONS

CURTIS N. ADAMS
SUITE 1
3529 BLACKBERRY BUSH ROAD
MEMPHIS, TN 38115

In re Application of	:	
Curtis Nathaniel Adams	:	
Application No. 11/713,656	:	DECISION ON PETITION
Filed: March 5, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition, filed November 1, 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**.

This application was held abandoned for failure to reply to the final Office action mailed March 3, 2010, which set a three (3) month shortened statutory period for reply. A reply was received in the Office on June 7, 2010. An advisory action was mailed on July 1, 2010 that continued to run from the date of the final rejection. A Notice of Abandonment was mailed on October 4, 2010.

Petitioner asserts that the Office action dated July 1, 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. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy items 2 and 3 of the above-stated requirements.

Accordingly, absent the required evidence to establish non-receipt of the Office action of July 1, 2010, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time. A copy of the Office action mailed July 1, 2010 accompanies this decision.

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 $810 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).

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."

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 April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Attachment: A copy of the Advisory Action mailed July 1, 2010.

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.
11/713,656	03/05/2007	Curtis Nathaniel Adams		4187

7590 07/01/2010

CURTIS N. ADAMS
SUITE 1
3529 BLACKBERRY BUSH ROAD
MEMPHIS, TN 38115

EXAMINER
REIS, RYAN ALEXANDER

ART UNIT	PAPER NUMBER
3752	

MAIL DATE	DELIVERY MODE
07/01/2010	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.

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/713,656	Applicant(s) ADAMS, CURTIS NATHANIEL	
	Examiner RYAN REIS	Art Unit 3752	

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

THE REPLY FILED 07 June 2010 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: 3-9.
   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 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: _____.

/Len Tran/
Supervisory Patent Examiner, Art Unit 3752

/Ryan Reis/
Examiner, Art Unit 3752
06/23/2010

Continuation of 3. NOTE: The amended claims add the new limitations of two sensors, two layers of flame retardant fabric, and grommets which would require further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: The amended claims raise new issues which would require further consideration and search.

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CURTIS N. ADAMS
SUITE 1
3529 BLACKBERRY BUSH ROAD
MEMPHIS, TN 38115

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Curtis Nathaniel Adams :
Application No. 11/713,656 : DECISION ON PETITION
Filed: March 5, 2007 :
Attorney Docket No. :

This is a decision on the renewed petition, filed February 28, 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 March 3, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before June 7, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on May 26, 2010, which included the following papers: an amendment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated May 26, 2010, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of March 3, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on May 26, 2010.

Telephone inquiries concerning this decision should be directed to April M. Wise 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 3752 for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Yuichi Yamamoto	:	
Application No. 11/713,698	:	DECISION GRANTING PETITION
Filed: March 5, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1033318-000056	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 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 April 7, 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 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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

Paper No.: _____

DATE : 04/01/11

TO SPE OF : ART UNIT: 1786 Attn: TARAZANO DONALD (LARRY) L (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/713891 Patent No.: 7858148

C of C Mailroom date: 03/24/11

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 Abstract & Specifications.

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.

X Approved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

/ D. Lawrence Tarazano/ SPE AU 1781

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/713,945	03/05/2007	Gunter K. Clute	14393-2 (11721-089)	4220

40879 7590 02/21/2012
AUTOLIV ASP
3350 AIRPORT ROAD
OGDEN, UT 84405

EXAMINER
HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
02/21/2012	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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FEB 21 2012

AUTOLIV ASP
3350 AIRPORT ROAD
OGDEN UT 84405

In re Application of	:	
CLUTE et al.	:	DECISION ON PETITION
Appl. No. 11/713,945	:	TO REVIEW NON-ENTRY OF
Filed: MARCH 5, 2007	:	AFTER FINAL AMENDMENT
For: HYBRID VEHICLE SENSITIVE	:	UNDER 37 C.F.R. 1.181
SEAT BELT RETRACTOR INERTIAL	:	
LOCKING SYSTEM	:	

This is a decision on applicant's petition under 37 C.F.R. 1.181 filed on January 4, 2012 and January 26, 2012 to enter the amendment of September 1, 2011 filed after the final rejection of July 27, 2011.

The petition is **DISMISSED.**

On March 22, 2011, the examiner mailed a non-final Office action rejecting claims 1, 2, and 4-11. On May 25, 2011, applicants filed an amendment to the claims including canceling claim 2 along with arguments. On July 27, 2011, the examiner mailed a final Office action rejecting claims 1 and 4-11, including responses to applicant's arguments. On September 1, 2011, applicants filed an amendment after final to the claims including further arguments. On September 8, 2011, the examiner mailed an advisory action stating that the after final amendment of September 1, 2011 will not be entered on the grounds that the amendments to claims 1, lines 20-21 and claim 8, lines 22-23 raise new issues. The examiner further stated that the reply has overcome "all of the rejections under 35 U.S.C. 112, if the amendment were entered".

On January 4, 2012 and January 26, 2012, applicants filed a petition requesting that the after final amendment of September 1, 2011 be entered because of the examiner's statement in the advisory action that the amendment would have overcome all issues under 35 U.S.C. 112.

MPEP § 714.19 states that "*The following types of amendments are ordinarily denied entry: (A) An amendment presenting an unpatentable claim, or a claim requiring a new search or otherwise raising a new issue in an application whose prosecution before the primary examiner has been closed*"

Since the proposed amendment to claim 1, lines 20-21 and claim 8, lines 22-23 raise new issues which would require further consideration and/or search in the current application,

whose prosecution has been closed, its entry is ordinarily denied in accordance to MPEP 714.19 cited above. As the proposed amendment has not been considered before during prosecution, entry of said after final amendment would not have placed the application in better from for appeal since the new issues would not materially reduce or simplify the issues for appeal. The fact that the proposed amendment overcomes the rejections under 34 U.S.C. 112 does not justify the entry of new issues to the claims after prosecution has closed. The examiner's action was correct in refusing to enter the amendment. Applicants' position that the after final amendment should be entered because the amendment would have overcome the rejections under 35 U.S.C. 112 is not persuasive. Therefore, the amendment will not be entered.

Any questions regarding this decision should be directed to Michael Mansen at (571) 272-6608.

Dave Talbott, Director
Technology Center 3600
(571) 272-5150

dt/mrm: 02/07/2012
LM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of :
Thomas, et al. :
Application No. 11/713,953 : DECISION ON PETITION
Filed: February 27, 2070 :
Attorney Docket No. AUB-06101 :

This is a decision on the petition under 37 CFR 1.182, filed, February 24, 2011, to change the name of inventor "Howard L. Thomas, Jr." to – GWEN THOMAS --.

The petition is DISMISSED.

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order. See, MPEP 605.04(c).

Petitioners have provided a copy of the court order effecting the change in name. The new name indicated in the petition and application data sheet (GWEN THOMAS) is not in agreement with the name set forth in the copy of the court order effecting the change in name (GWYNEDD THOMAS). Moreover, the instant petition lacks the required signed statement by the inventor setting forth both names. Further, the application data sheet is not properly labeled "SUPPLEMENTAL APPLICATION DATA SHEET," as required per 37 CFR 1.76(c)(2) any time an application data sheet is submitted after the filing of an application.

Correction upon renewed petition is required.

Any request for reconsideration should be submitted within TWO MONTHS of the decision mail date indicated above. The petition should be entitled "Request for Reconsideration under 37 CFR 1.182." Extensions of time are permitted under 37 CFR 1.136.

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

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

By 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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
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

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Thomas, et al. :
Application No. 11/713,953 : DECISION ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. AUB-06101 :

This is a decision on the petition under 37 CFR 1.182, filed, July 5, 2011, to change the name of inventor "Howard L. Thomas, Jr." to – GWYNNED THOMAS --.

The petition is GRANTED.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Data Management for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/713,953	02/27/2007	2821	2590	AUB-06101	73	7

CONFIRMATION NO. 4221

CORRECTED FILING RECEIPT

28960
HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE, CA 94086

OC000000048822896

Date Mailed: 07/18/2011

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)

Gwynned Thomas, Auburn, AL;
Andrew Sivulka, Auburn, AL;
Lloyd Stephen Riggs, Auburn, AL;
David J. Elton, Auburn, AL;

Power of Attorney:
Thomas Haverstock--32571
Jonathan Owens--37902
David Hill--44153

Domestic Priority data as claimed by applicant
This appln claims benefit of 60/777,330 02/28/2006

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: 04/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/713,953**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

REINFORCEMENT FABRICS WITH ELECTRONIC TRANSMISSION CAPABILITIES

Preliminary Class

343

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/713,953	02/27/2007	2821	2590	AUB-06101	73	7

CONFIRMATION NO. 4221

CORRECTED FILING RECEIPT

28960
HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE, CA 94086

OC000000048822896

Date Mailed: 07/18/2011

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)

Gwynned Thomas, Auburn, AL;
Andrew Sivulka, Auburn, AL;
Lloyd Stephen Riggs, Auburn, AL;
David J. Elton, Auburn, AL;

Power of Attorney:
Thomas Haverstock--32571
Jonathan Owens--37902
David Hill--44153

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/777,330 02/28/2006

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: 04/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/713,953**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

REINFORCEMENT FABRICS WITH ELECTRONIC TRANSMISSION CAPABILITIES

Preliminary Class

343

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NOT GRANTED

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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
Thomas, et al. :
Application No. 11/713,953 : LETTER
Filed: February 27, 2007 :
Attorney Docket No. AUB-06101 :

Enclosed herewith please find corrected filing receipt with respect to the granting of petition to correct inventor name from "Howard L. Thomas, Jr." to – GWYNEDD THOMAS -- as requested in the renewed petition filed July 18, 2011.

This application is being referred to the Office of Data Management for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
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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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/713,953	02/27/2007	2821	2590	AUB-06101	73	7

CONFIRMATION NO. 4221

CORRECTED FILING RECEIPT

28960
HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE, CA 94086

OC000000048929550

Date Mailed: 07/25/2011

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**

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David J. Elton, Auburn, AL;

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This appln claims benefit of 60/777,330 02/28/2006

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If Required, Foreign Filing License Granted: 04/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/713,953**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

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Preliminary Class

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

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Llyod Hanson
Application No. 11/714,025
Filed: March 5, 2007
Attorney Docket No. 035637/295334

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 10, 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 request was signed by Trent A. Kirk on behalf of all attorneys of record who are associated with customer No. 00826. 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.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed April 1, 2011 that requires a reply from the 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: MARTIN MARIETTA MATERIALS, INC.
2710 WYCLIFF ROAD
RALIEGH, NC 27607

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
11/714,025	03/05/2007	Lloyd Hanson	035637/295334

CONFIRMATION NO. 2772

POWER OF ATTORNEY NOTICE

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

OC000000048265825

Date Mailed: 06/17/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2011.

- 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.

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 17, 2011

Richard L. Byrne
The Webb Law Firm
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

Patent No: 7,854,182 B2
Application No: 11/714,081
Applicant: Yasunobu Nakatani, et al.
Issued: December 21, 2010
Title: **OPERATING APPARATUS FOR HYDROSTATIC CONTINUOUSLY VARIABLE SPEED-CHANGE DEVICE FOR WORK VEHICLE**

Request for Certificate 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 Rule 1.322 or 1.323.

The errors complained of in your request cannot be corrected since: There was no clerical error on the part of the Patent and Trademark Office. Applicant failed to respond to the changes by the examiner in the Examiner's amendment mailed 08/23/2010.

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

Further correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/714,224	03/06/2007	Hiroyuki Kamio	008312-0360211	4619

7590 10/28/2010
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
TRAN, THAI Q

ART UNIT	PAPER NUMBER
2484	

NOTIFICATION DATE	DELIVERY MODE
10/28/2010	ELECTRONIC

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

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RAYMOND F. KELLER
BASAF CATALYSTS LLC
100 CAMPUS DRIVE
FLORHAM PARK NJ 07932

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Patent No. 7,960,307	:	
Issue Date: June 14, 2011	:	
Application No. 11/714,357	:	DECISION ON PETITION
Filed: March 6, 2007	:	
Attorney Docket No. 5276A	:	

This is a decision on the petition under 37 CFR 1.182, filed July 8, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received; and
3. a copy of the docket record where the non received Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition is not accompanied by the evidence required to establish non receipt of the original Letters Patent. In this regard, petitioner has not provided items 1-3 above.

Office records reflect that the Letters Patent was mailed to the address of record at the time namely:

Raymond F. Keller
BASF Catalysts LLC
100 Campus Drive
Florham Park NJ 07932

The evidence submitted does not establish non receipt of the Letters Patent at the above-identified address.

Further, petitioner has requested a copy of duplicate copy be mailed to:

Frenkel & Associates, P.C.
3975 University Drive, Suite 330
Fairfax, VA 22030

The petition cannot be granted because no change of address had been received.

In view of the above, the petition fails to provide the necessary evidence to establish non receipt of the Letters Patent. Accordingly, the petition for issuance of a duplicate Letters Patent under 37 CFR 1.182 cannot be granted at this time.

As authorized, the petition fee under 37 CFR 1.182 will be charged to Deposit Account No. 05-1070.

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

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

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

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

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

Thurman Page
Petitions Examiner
Office of Petitions

cc: Stuart D. Frenkel
Frenkel & Associates, P.C.
3975 University Drive, Suite 330
Fairfax, VA 22030

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED
JAN 30 2012
OFFICE OF PETITIONS

Rajendran Nair
ComLSI Inc.
3838 E Encinas Ave
Gilbert AZ 852345

In re Application of :
Bennett :
Application No. 11/714,427 : ON PETITION
Filed: March 7, 2007 :
Attorney Docket No.

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed December 9, 2011.

The petition is **granted**.

The record reflects that a final Office action was mailed on March 17, 2011, allowing a shortened statutory period for reply of three months from its mailing date. On May 27, 2011, an amendment after final Office action was filed[1]. An Advisory Action mailed November 2, 2011, explained that the response of May 27, 2011, failed to place the application in condition for allowance[2]. The application was abandoned on June 18, 2011. A Notice of Abandonment has not mailed to date.

Petitioner maintains the imposition of the holding abandonment was improper because the amendment was timely filed, yet applicant was given no timely feedback or response from the examiner regarding the amendment after final Office action.

It is first noted that the amendment after final was not filed within two months of mailing date of the final Office action, therefore, adjustments that may have been available pursuant to MPEP 714.13 are not available in this instance. It is further noted that amendments after final rejection are not entered as a matter of right; it is, therefore, critical that the reply submitted be a proper reply under 37 CFR 1.113. Further while the Office encourages the examiner to issue the Advisory Action promptly, circumstances may arise that prevent the most expeditious processing of the amendment. The failure of the examiner ro meet the ideal processing goal does not excuse the applicant from ensuring a timely and proper reply is filed and taking steps to avoid the abandonment of the application should the examiner determine that the amendment filed does not place the application in condition for allowance. Further to this point, Section 714.13(II), states, in pertinent part, that:

> [f]ailure to proper reply under 37 CFR 1.113 to the final rejection results in abandonment. A reply under 37 CFR 1.113 is limited to:
>
> (A) An amendment complying with 37 CFR 1.116;

[1] It is noted that petitioner states that the amendment was filed on May 27, 2011, but not received by the examiner until months later. Notwithstanding, the amendment is noted as being received at USPTO on May 27, 2011.

[2] The undersigned contacted Examiner Osborne to be sure that the amendment after final filed May 27, 2011, failed to place the application in condition for allowance. Examiner Osborne confirmed that the amendment after final failed to place the application in condition for allowance.

(B) a Notice of Appeal (and appeal fee); or

(C) a request for continued examination (RCE) filed under 37 CFR **1.114** with a submission (i.e., an amendment that meets the reply requirement of 37 CFR **1.111**) and the fee set forth in 37 CFR **1.17(e)**. RCE practice under 37 CFR **1.114** does not apply to utility or plant patent applications filed before June 8, 1995 and design applications.

Certainly, applicant could have filed a Notice of Appeal or Request for Continued Examination with the amendment after final, or after the amendment after final was filed, but within the extendable period for reply, with the instruction that the Notice of Appeal or Request for Continued Examination should only be processed in the event that the amendment after final is not entered. Applicants are charged with a filing a proper and timely response to all Office actions issued. If a reply filed by the applicant is determined to be improper, such does not toll any time period running against the application. The holding of abandonment was properly imposed because a proper response to the final Office action was not filed within the maximum statutory period for reply.

The petition is dismissed, accordingly.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply to the final Office action, the required petition fee ($1860.00 for a large entity and $930.00 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. Questions regarding the substance of the response to the amendment after final should be directed to Examiner Osborne.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert W. Fox	:	
Application No. 11/714,430	:	DECISION ON PETITION
Filed: March 6, 2007	:	TO WITHDRAW
Attorney Docket No. 029180.0002	:	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 20, 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 no forwarding address was provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. 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-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
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WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert W. Fox	:	
Application No. 11/714,430	:	DECISION ON PETITION
Filed: March 6, 2007	:	TO WITHDRAW
Attorney Docket No. 029180.0002	:	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 November 18, 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 M. Bruce Harper on behalf of all attorneys/agents associated with customer number 45309. All attorneys/agents associated with customer number 45309 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: Robert W. Fox
P.O. Box 3007
Williamsburg, VA 23187-3007

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
11/714,430	03/06/2007	Robert W. Fox	029180.0002

CONFIRMATION NO. 3922

POWER OF ATTORNEY NOTICE

45309
WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH, VA 23462

OC000000044896630

Date Mailed: 12/09/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2010.

- 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

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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SCHUBERT LAW GROUP PLLC
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of	:	
Xiao-Feng QI, et al	:	
Application No. 11/714,433	:	DECISION ON PETITION
Filed: March 5, 2007	:	
Docket No. P25276(4049)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 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 15, 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 July 16, 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) and 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.

This application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/25/11

TO SPE OF : ART UNIT: 3736 Attn: HINDENBURG MAX F (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/714459 Patent No.: 7892180

C of C Mailroom date: 03/07/11

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

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: _____

_____

_____

SPE — 3736 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

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JAN 10 2011
OFFICE OF PETITIONS

CLARIANT CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
4000 MONROE ROAD
CHARLOTTE NC 28205

In re Application of	:	
Wiebke Maas et al.	:	
Application No. 11/714,482	:	DECISION ON PETITION
Filed: March 6, 2007	:	
Attorney Docket No. 2006DE105	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2010, 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 final Office action mailed, November 27, 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 February 28, 2009. A Notice of Abandonment was mailed on July 27, 2010.

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 since the statement of unintentional delay was not properly signed. The statement was signed by Vicki L. Sgro. See 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 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 $1,110 extension of time fee submitted with the petition on May 28, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CLARIANT CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
4000 MONROE ROAD
CHARLOTTE NC 28205

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Wiebke Maas et al.	:	
Application No. 11/714,482	:	DECISION ON PETITION
Filed: July 30, 2008	:	
Attorney Docket No. 4080-105556	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 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, November 27, 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 February 28, 2010. A Notice of Abandonment was mailed on July 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 a RCE (Request for Continued Examination, with the required fee of $810, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE 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 1621 for appropriate action by the Examiner in the normal course of business on the reply received May 28, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WENDELL RAY GUFFEY
NESTLE PURINA PETCARE GLOBAL RESOURCES, INC.
1 CHECKERBOARD SQUARE
11-T
ST. LOUIS MO 63164

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SEP 08 2010
OFFICE OF PETITIONS

In re Application of	:	
MAYO et al.	:	DECISION ON PETITION
Application No. 11/714,525	:	
Filed: 03/06/2007	:	
Attorney Docket No. 8259/US/NP	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper response to the final Office action mailed August 20, 2009, which set a three-month shortened statutory period to reply. The above-identified application became abandoned on November 21, 2009.

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

Pursuant to MPEP 1002.02(e), the request under 37 CFR 1.48 for correcting inventorship will be decided by the Primary Examiner in due course.

This application is being referred to Technology Center AU 3781 for appropriate action.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of	:	
William Dieter	:	
Application No. 11/714,716	:	DECISION ON PETITION
Filed: March 05, 2007	:	
Attorney Docket No. **315127.00014**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 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, March 10, 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 June 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the response to the non-final office action of March 10, 2008 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.

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 3764 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petition Examiner
Office of Petitions

cc: **DANIEL P. DEVERS**
SHOOK, HARDY & BACON
2555 GRAND BOULEVARD
KANSAS CITY MO 64108

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19194-2891

In re Application of	:	
David Robert GELVIN	:	
Application No. 11/715,016	:	DECISION ON PETITION
Filed: March 7, 2007	:	TO WITHDRAW
Attorney Docket No. GELV-00034490-RA	:	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 25, 2010.

The request is **NOT APPROVED.**

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

The request cannot be approved because the attorneys of record were not appointed through use of Customer No. 23377, as indicated. To assist the Office in reviewing and expediting any future request, practitioner should ensure the correct Customer Number is 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 the undersigned at 571-272-6735.

/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
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of	:	
David Robert GELVIN	:	
Application No. 11/715,016	:	DECISION ON PETITION
Filed: March 8, 2007	:	TO WITHDRAW
Attorney Docket No. GELV-0003/34490-RA	:	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 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 Michael E. Dergosits on behalf of the attorneys of record with the registration numbers indicated.

All the attorneys of record 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.

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: DAVID GELVIN
2939 BARRY AVENUE
SMYRNA GA 30082

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/715,016	03/07/2007	David Robert Gelvin	GELV-0003/34490-RA

CONFIRMATION NO. 5584

POWER OF ATTORNEY NOTICE

30184
Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

OC000000044132244

Date Mailed: 10/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/08/2010.

- 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.

/dcgoodwyn/

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

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CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED

MAR 30 2011

OFFICE OF PETITIONS

In re Application of :
Michael Keane et al. :
Application No. 11/715,049 : ON PETITION
Filed: March 6, 2007 :
Attorney Docket No: PA5581 U S :

This is a decision on the petition filed March 1, 2011 under 37 CFR 1.137(b),[1] 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 June 12, 2009. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned September 15, 2009. Accordingly, a Notice of Abandonment was mailed December 17, 2009.

This matter is being referred to Technology Center 2862 for appropriate action on the amendment filed March 1, 2011.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The 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 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Raymond Y. Chan
Suite 128
108 N. Ynez Avenue
Monterey Park CA 91754

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MAR 11 2011
OFFICE OF PETITIONS

In re Application of
Rieffanaugh
Application No. 11/715,137
Filed: March 6, 2007
Atty. Dkt. No.: CIP3744A-NKR

: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed February 9, 2011.

The petition is **GRANTED**.

The application became abandoned September 3, 2010 for failure to timely submit a proper reply to the non-final Office action mailed June 2, 2010. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed December 8, 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 instant petition has been carefully reviewed and found in compliance with the requirements set forth above. Petitioner has submitted the required reply in the form of an amendment to the non-final Office action. However, the undersigned has not entered the request for continued examination as the instant application is not under final rejection. Petitioner has submitted the required statement of unintentional delay. Receipt is acknowledged of the required petition fee.

This application is being forwarded to Group Art Unit 3684 for further processing.

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

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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CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO, CA 92691

MAILED
MAR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Vayser et al.	:	
Application No. 11/715,247	:	DECISION ON PETITION
Filed: March 6, 2007		TO WITHDRAW FROM RECORD
Attorney Docket No. 028638-000320US	:	
	:	

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 24, 2011.

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

A review of the file record indicates that on January 31, 2011 the power of attorney to Crockett & Crockett, P.C. was revoked by the assignee of the patent application. 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 address listed below until otherwise notified by applicant.

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
Petitions Examiner
Office of Petitions

cc: KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE, SUITE 600
DALLAS, TX 75201-2980

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Flemming S. ANDREASEN, et *al.* :
Application No. 11/715,251 :
Filed: March 6, 2007 :
Attorney Docket No. **062891.2401 CPOL** :
953496

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 29, 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 2, 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 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

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[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 18 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

In re Application of Paz et al. Application No. 11/715,410 Filed: March 8, 2007 For: MULTI-POSITION SUPPORT APPARATUS FEATURING A MOVABLE FOOT SUPPORT	:	DECISION ON PETITION REGARDING REQUEST TO WITHDRAWAL FINALITY UNDER 37 CFR §1.181

This is a decision on applicants' petition under 37 CFR 1.181 filed May 12, 2011 requesting withdrawal of the finality of the Office action mailed February 14, 2011, or alternatively, entry of the amendment filed April 18, 2011.

The petition is **DISMISSED.**

A review of the prosecution history indicates that a non-final Office action was mailed April 3, 2009. An amendment was filed July 31, 2009; and a final rejection was mailed November 23, 2009. On May 10, 2010, applicants filed a request for continued examination (RCE) wherein claims 1-52 were cancelled and new claims 53-67 were introduced. A non-final Office action was mailed August 26, 2010. Applicants filed an amendment on November 24, 2010. A final rejection was mailed February 14, 2011. An amendment after final rejection was filed by the applicants on April 12, 2011. The examiner denied entry of the amendment because it raises new issues that would require further consideration and/or search and a notice to that effect was mailed as an Advisory Action on April 18, 2011. The instant petition was filed May 12, 2011.

In the petition, applicants request the Director to review the following points: (a) whether the Final Action of February 14, 2011 was premature, and therefore should be withdrawn; and if not, (b) whether the holding that the proposed amendment filed April 12, 2011 raises new issues or requires a further search, justifying refusal of their entry for purposes of Appeal.

With regards to point (a), MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

It is noted that petitioner's arguments (i.e., paragraphs numbered 8-11) are directed to the amendment filed April 12, 2011 and the Office action mailed April 18, 2011. However, the final rejection of February 14, 2011 was in response to the amendment filed November 24, 2010. Petitioner has failed to present any arguments as to why the final rejection, based on the November 24, 2010 amendment, mailed February 14, 2011 Office action was premature. Accordingly, applicant's request for withdrawal of the final rejection is dismissed.

With regards to point (b), the Advisory Action mailed February 18, 2011 indicates that the amendment was not entered because, *inter alia*, "[t]hey raise new issues that would require further consideration and/or search." Petitioner argues that "the words "so as to be moved therewith") [sic] only rendered more explicit that which was clearly, obviously and non-ambiguously implicit from the recitation then present in that claim." However, the phrase "carried by said feet" does not necessarily require that the sensor be moved with the feet. For example, when a sensor is connected to the feet via a lost-motion coupling (e.g., pin and slot), the sensor does not "move therewith" when the feet moves. Accordingly, the recitation "so as to be moved therewith" changes the scope of the claim and thus was properly indicated as raising new issues that would require further consideration and/or search. Accordingly, applicant's request for entry of the amendment for purposes of appeal is dismissed.

Summary: The petition is **DISMISSED.**

Questions concerning this decision should be referred to Teri Luu, Quality Assurance Specialist, at (571) 272-7045.

David Talbott, Director
Patent Technology Center 3600
Telephone No.: (571) 272-5150

DT/tl: 08/08/11

TL

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LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Jeff E. Bennett et al.
Application No. 11/715,466
Filed: March 8, 2007
Attorney Docket No. 28329.00

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 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, March 18, 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 June 19, 2010. A Notice of Abandonment was mailed on September 21, 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 Notice of Appeal, with the required fee of $270, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the Notice of Appeal is accepted as being unintentionally delayed.

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.

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

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the Notice of Appeal received November 2, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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Cooke Law Firm
2040 NORTH LOOP 336 WEST
SUITE 123
CONROE TX 77304

MAILED
DEC 29 2011
OFFICE OF PETITIONS

In re Application of
Mayo, et al.
Application No. 11/715,565
Filed: March 8, 2007
Attorney Docket No. 14.1001.03

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed December 15, 2011, to change the order of the names of the inventors.

Office records have been corrected to reflect the change in the order of the named inventors set forth in the petition as the application data sheet does not comply with the requirements of 37 CFR 1.76. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

Receipt is acknowledged of the $400 fee for the petition under 37 CFR 1.182.

This application is being referred to the Office of Data Management for further processing.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/715,565	03/08/2007	3716	1050	14.1001.03	30	2

CONFIRMATION NO. 6003

CORRECTED FILING RECEIPT

53189
Cooke Law Firm
2040 NORTH LOOP 336 WEST
SUITE 123
CONROE, TX 77304

OC000000051642397

Date Mailed: 12/22/2011

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)

Michael W. Mayo, Austin, TX;
Daniel R. Mitchell, Austin, TX;
Michael K. McAleer, Austin, TX;
Bryon G. Zollars, Georgetown, TX;
Michael G. Durrett, Austin, TX;
Keith D. Jamison, Austin, TX;

Assignment For Published Patent Application

Nanohmics, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 000053189

Domestic Priority data as claimed by applicant

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: 12/22/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/715,565**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

NON-LETHAL PROJECTILE FOR DISORIENTING ADVERSARIES

Preliminary Class

362

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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Paper No.

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

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of :
Edmonston et al. :
Application No. 11/715,598 : ON APPLICATION FOR
Filed: 03/07/2007 : PATENT TERM ADJUSTMENT
Atty Docket No. :
19484US06 :

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 April 20, 2011, which is treated as a petition under 37 CFR 1.705(b). Applicant asserts that the correct patent term adjustment is 1112 days rather than 923 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 fee[1].

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

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[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.

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.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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DAVID SILVA
2740 SPIRIT ROCK TRAIL
RENO NV 89511

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of

Silva

Application No. 11/715,629

Filed: March 8, 2007

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), February 16, 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)."

The above-cited application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee Due mailed June 3, 2011, which set a statutory period for reply of three months from its mailing date. A response was not received within the allowable period. The application became abandoned on September 4, 2011. A Notice of Abandonment was mailed on September 16, 2011.

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

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

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

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

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

Item (1) above has not been satisfied. The petition fee of $930.00 was received, as was the publication fee of $300.00. There were not sufficient funds for the issue fee payment. Effective September 26, 2011, the issue fee is 870.00. Petitioner only remitted $755.00 for the issue fee. Accordingly, the renewed petition must be accompanied by $115.00 for the remainder of the issue fee payment.

NO NEW PETITION FEE IS REQUIRED WITH THE RENEWED PETITION.

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

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

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/715,829	03/08/2007	Christopher R. Butson	15196/164	5478

23838 7590 02/14/2012
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
CHAD, ANISS

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
02/14/2012	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

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P.O. Box 1450
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February 13, 2012

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
Christopher R. Butson et al.	:	**DECISION ON PETITION**
Application No. 11715829	:	
Filed: 03/08/2007	:	
Attorney Docket No. **15196/164**	:	

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) March 8, 2007.

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 EFW 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 ☑

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.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/715,829	03/08/2007	Christopher R. Butson	15196/164	5478

23838 7590 04/09/2012
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
CHAD, ANISS

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
04/09/2012	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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April 6, 2012

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
Christopher R. Butson	:	**DECISION ON PETITION**
Application No. 11715829	:	
Filed: 03/08/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **15196/164**	:	***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) March 15, 2012.

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.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED
APR 12 2012
OFFICE OF PETITIONS

In re Application of
Christopher R. Butson et al
Application No. 11/715,829
Filed: March 8, 2007
Attorney Docket No. 15196/164

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed April 4, 2012.

The request is **DISMISSED**.

The request for refund is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request for refund is **not** signed. Also, the Office does **not** recognize Jenny West. Note 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.

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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MAILED

APR 11 2011

OFFICE OF PETITIONS

ROGER A. GILCREST
250 WEST STREET
COLUMBUS OH 43215-2538

In re Application of :
Michalek, et al. :
Application No. 11/716,101 : ON PETITION
Filed: March 9, 2007 :
Attorney Docket No. 797945-7 :
For: WASTE PROCESSING APPARATUS AND METHOD FEATURING WATER REMOVAL

This is a decision on the petition, filed March 7, 2011 (certificate of mailing date March 3, 2011), under 37 CFR 1.137(a) to revive the above-identified application.

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

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. This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

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

The petition is signed by Daniel Slane. Daniel Slane has not provided an attorney registration number and a review of Office records does not reveal that a person named Daniel Slane has been assigned a registration number. Daniel Slane has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Daniel Slane has not established that he is permitted to file amendments and other papers in this application.

In any reconsideration petition, applicant is encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Daniel Slane's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Daniel Slane and in this manner, the signature on instant petition will be ratified); (c) submit another copy of the petition signed by both inventors; or (d) submit a petition signed by Mr. Michalek, who has already established his right to represent the assignee.

In addition, it is unclear which ***type*** of Rule 137 petition to revive that petitioner wishes to file. While petitioner utilized the Rule 137(a) form and provided an explanation of the nature of the delay, petitioner paid the (higher amount) Rule 137(b) petition fee of $810.00. Petitioner is informed that if the Office undertakes a Rule 137(a) analysis and petitioner is unsuccessful, then petitioner will have to pay an additional $270.00 if he wishes to receive consideration under Rule 137(b). Therefore, in the interests of economy, petitioner should clarify which type of petition he wishes to file.

The correspondence address of record remains that of Roger A. Gilcrest. As he is no longer representing petitioner, the enclosed blank form POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS should be filed promptly. As a one time courtesy, a copy of this decision will be mailed to the address listed on the petition. However, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: blank form POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Privacy Act Statement

CC: DANIEL SLANE, ESQ.
261 W. JOHNSTOWN RD.
COLUMBUS, OH 43230

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11716123
Filing Date	09-Mar-2007
First Named Inventor	Ulrich Haug
Art Unit	3774
Examiner Name	WILLIAM MATTHEWS
Attorney Docket Number	S63.2N-15119-US02
Title	METHODS AND APPARATUS FOR ENDOVASCULARLY REPLACING A PATIENT'S HEART VALVE

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	/Michael J. McKeen/
Name	Michael J. McKeen
Registration Number	66069

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 9, 2011

In re Application of :

Ulrich Haug

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11716123

Filed : 09-Mar-2007

Attorney Docket No : S63.2N-15119-US02

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 9, 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 3774 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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VERTEX PHARMACEUTICALS INC.
Susan Batty-Gunn
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Kevin M. Cottrell, et al.	:	
Application No. 11/716,248	:	DECISION ON PETITION
Filed: March 9, 2007	:	
Attorney Docket No.: VPI/03-164 US CN1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The petition is signed by H. Joon Chung; however he is not a registered practitioner of record. If Mr. Chung is a patent practitioner acting in a representative capacity, he must set forth his registration number. The registration number given on the petition is not registered to Mr. Chung.

37 CFR 1.33 (b) states that:

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

(1) An attorney or agent appointed in compliance with § 1.34(b);

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

* * *

37 CFR 1.34 states:

"When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the

> provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature. Further proof of authority to act in a representative capacity may be required."

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

The petition lacks item (3). In this regard, the petition does not contain an acceptable statement of unintentional delay because the petition is not properly signed.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and include a ratification of the unsigned petition.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By Internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/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)

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VERTEX PHARMACEUTICALS INC.
Susan Batty-Gunn
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of
Kevin M. Cottrell, et al.
Application No. 11/716,248
Filed: March 9, 2007
Attorney Docket No.: VPI/03-164 US CN1

ON PETITION

This is a decision on the renewed petition, filed August 31, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a patent practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Susan C. Kelly appearing on the petition 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.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 2, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 3, 2011. A Notice of Abandonment was subsequently mailed on June 17, 2011. A petition under the provisions of 37 CFR 1.137(b) was filed on July 14, 2011; however, the petition was dismissed in a decision mailed July 29, 2011. On August 31, 2011, the present petition was filed.

The petitions satisfy the requirements of 37 CFR 1.137(b) in that petitioners have 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[1].

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.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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J. John Shimazaki, PLLC
P.O. Box 650741
Sterling VA 20165

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Application of :
LOCHTEFELD, THOMAS J. :
Application No. 11/716,254 : ON PETITION
Filed: 03/09/2007 :
Attorney Docket No. PADDED WATER :
RIDE SURFACES

This is a decision on the petition under 37 CFR 1.137(a), filed October 19, 2010, to revive the above-identified application.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." Extensions of time under 37 CFR 1.136(a) are permitted. No additional fee is required for filing a "Renewed Petition under 37 CFR 1.137(a)."

On June 30, 2010, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period to pay the issue and publication fees. In the absence of a timely filed reply, the application became abandoned on October 1, 2010. On October 13, 2010, the Office mailed a Notice of Abandonment. On October 19, 2010, applicant filed the present petition accompanied by a Request for Continued Examination (RCE) and Information Disclosure Statement. Applicant asserted that the delay in replying to the Notice of Allowance and Fee(s) Due was unavoidable due to a clerical error.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

The present petition lacks items (1) and (3).

As to item (1), applicant submitted a Request for Continued Examination (and fee) and an Information Disclosure Statement in response to the Notice of Allowance. However, the record does not reveal that applicant paid the issue fee and publication fee upon filing this petition to revive.

Pursuant to the provisions of 37 CFR 1.137(a)(1) and (c) and in accordance with 35 U.S.C. § 151, in an application abandoned for failure to pay the issue fee and the publication fee, or any portion thereof, the required reply must include payment of the issue fee and the publication fee, or any outstanding balance.

Section 711.03(c)(II)(A)(1) of the Manual for Patent Examining Procedure states:

> While the revival of applications abandoned for failure to timely prosecute and for failure to timely pay the issue fee are incorporated together in 37 CFR 1.137, the statutory provisions for the revival of an application abandoned for failure to timely prosecute and for failure to timely submit the issue fee are mutually exclusive. *See Brenner v. Ebbert*, 398 F.2d 762, 157 USPQ 609 (D.C. Cir. 1968). 35 U.S.C. 151 authorizes the acceptance of a delayed payment of the issue fee, if the issue fee "is submitted ... and the delay in payment is shown to have been unavoidable." 35 U.S.C. 41(a)(7) likewise authorizes the acceptance of an "unintentionally delayed payment of the fee for issuing each patent." Thus, 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue fee. Therefore, the filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned or patent lapsed for failure to pay the issue fee or any portion thereof.
>
> ...
>
> In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee. Even if an application abandoned for failure to pay the publication fee is being revived solely for purposes of continuity with a continuing application, the petition to revive under 37 CFR 1.137 must include payment of the publication fee.

The Office reminds petitioner that delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987); Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978).

As to item (3), the Office notes that the Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable." 35 U.S.C. § 133. Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

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). Specifically, an application is "unavoidably" abandoned 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, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

A delay resulting from an error on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that: (1) the error was the cause of the delay at issue; (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; (3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. See MPEP 711.03(c)(III)(C)(2).

An adequate showing requires statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them. An applicant must supply a thorough explanation of the system in use and must identify the types of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledgers, docket sheets, file-wrappers and such other records as may exist which would substantiate a clerical error, and

include an indication as to why the system failed in this instance to provide adequate notice that a reply was due. An applicant must also supply information regarding the training provided to the personnel responsible for the error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work that were used to assure proper execution of assigned tasks.

In the present petition, applicant explained:

> In this case, Applicant made a good faith attempt to fax the required RCE within the time limit prescribed by the Examiner, i.e., it was filed on September 30, 2010, which was the due date for paying the issue and publication fees. The RCE was also timely prepared by Applicant's Attorney and faxed using a consistently, reliable fax procedure that automatically populates the fax number into the entry box. Applicant's attorney also had implemented reasonable docketing procedures to determine whether a fax filing was successfully transmitted to the PTO, by checking to see if a confirmation had been received, and making a note on the docket when it hadn't been received, but in this case, a clerical error was made in that no note or record was made that such confirmation had not been received. Although it is not known why the fax sent on September 30, 2010 to the PTO did not go through, the reason that the PTO failed to receive the RCE and the mason the application was therefore abandoned was because of this clerical error.

Petition, pp. 3-4.

The Office notes that an adequate showing requires statements by <u>all</u> persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them. Applicant did not identify the staff member who made the clerical error. Applicant did not provide the USPTO with statements from staff, who had firsthand knowledge of the facts that led to the delay at issue. Additionally, applicant did not indicate that the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. Accordingly, the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

In the alternative, applicant may wish to file a petition under 37 CFR 1.137(b) instead of a renewed petition under 37 CFR 1.137(a). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The required reply (unless previously submitted);
>
> (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 was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant 37 CFR 1.137(d).

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

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

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

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 04 2011
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J. John Shimazaki, PLLC
P.O. Box 650741
Sterling VA 20165

In re Application of :
LOCHTEFELD, THOMAS J. :
Application No. 11/716,254 : ON PETITION
Filed: 03/09/2007 :
Attorney Docket No. PADDED WATER :
RIDE SURFACES

This is a decision on the renewed petition under 37 CFR 1.137(a), filed May 25, 2011, to revive the above-identified application.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." Extensions of time under 37 CFR 1.136(a) are permitted. No additional fee is required for filing a "Renewed Petition under 37 CFR 1.137(a)."

On June 30, 2010, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period to pay the issue and publication fees. In the absence of a timely filed reply, the application became abandoned on October 1, 2010. On October 13, 2010, the Office mailed a Notice of Abandonment.

On October 19, 2010, applicants filed the original petition under 37 CFR 1.137(a), the petition fee, a Request for Continued Examination (RCE) and an Information Disclosure Statement. In the original petition, the patent practitioner asserted that "Applicant's attorney also had implemented reasonable docketing procedures to determine whether a fax filing was successfully transmitted to the PTO, by checking to see if a confirmation had been received, and making a note on the docket when it hadn't been received, but in this case, a clerical error was made in that no note or record was made that such confirmation had not been received. *Petition, 10/19/10, p. 4.* "Although it is not known why the fax sent on September 30, 2010 to the PTO did not go through, the reason that the PTO failed to receive the RCE and the reason the application was therefore abandoned was because of this clerical error." Id.

On February 4, 2011, the Office mailed a decision dismissing the original petition. The decision stated that applicants did not meet the requirements for a grantable petition under 37 CFR 1.137(a) because they did not file the required reply to the outstanding Notice of Allowance and that they failed to make a satisfactory showing that the entire delay was unavoidable.

On May 25, 2011, applicants filed the present renewed petition, accompanied by a request for an extension of time for response within the second month (and fee), the issue fee, and the publication fee. The patent practitioner now indicates that "the actual reason the PTO failed to receive the RCE Documents was because of some failure on the part of the fax server to properly transmit the RCE Documents to the PTO, notwithstanding that I had taken all the proper steps reasonably necessary to fax the documents to the PTO." The patent practitioner asserts:

> Applicant's Attorney also relied upon an indication given by the fax server (which was displayed on the computer screen immediately after the "send" button was clicked) that the upload and fax transmission had gone through successfully. To have assumed that the transmission did not go through after receiving an indication that it did go through would mean that Applicant could not rely upon the ordinary and trustworthy agencies that have been implemented by the office to conduct its normal business.
>
> As a precautionary measure, Applicant's Attorney did have a back up procedure in place that would have helped avoid what happened in this case, as described in the Declaration, wherein the office normally waits to receive a confirmation fax from the PTO before entering the filing on the docket. But in this case, due to an oversight by Applicant's Attorney, see Declaration, he relied upon the indication given by the fax server that the fax had uploaded and transmitted successfully, and thus, did not wait to see if a confirmation fax from the PTO had been received. Because the fax server indicated that the fax had uploaded and transmitted successfully, it is believed that Applicant's Attorney exercised reasonable care in relying upon the "agencies and instrumentalities" that had been implemented by the office to ensure that the fax had gone through. Even though Applicant's Attorney did not wait to see if a confirmation fax had been received from the PTO, Applicant submits that forgetting to wait for something that never happened is quite different from forgetting to take affirmative steps to ensure that something did happen. In this case, Applicant's Attorney had taken all reasonable affirmative steps to ensure that the fax had gone through successfully, and even received an indication by the fax server that the transmission had gone through successfully, and the only reason it didn't go through was because of some unexpected and unforeseeable malfunction of the fax server. The only human error made was that he did not wait for the confirmation - something that never happened - before making an entry into the docket, which Applicant believes, under the circumstances, should be considered excusable neglect.

Petition, 05/25/11, p. 4.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed;
>
> (2) The petition fee as set forth in § 1.17(l);
>
> (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant 37 CFR 1.137(d).

The present petition lacks item (3).

The Office notes that the Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable." 35 U.S.C. § 133. Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

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). Specifically, an application is "unavoidably" abandoned 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, facsimile, or

the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The patent practitioner asserts that it was reasonable for him to assume that the documents were successfully transmitted to the USPTO on September 30, 2010, because he relied upon an indication given by the fax server on the computer screen that the documents had been uploaded and transmitted successfully. Nevertheless, applicants have not provided the Office with any evidence such as a copy of the sending unit's report confirming successful transmission of the documents to the USPTO on September 30, 2010, in support of his assertion. Furthermore, the patent practitioner did not explain why he deviated from his normal office procedure to wait to receive a confirmation of receipt from the USPTO prior to entering the filing on the docket. The patent practitioner admits that had he utilized his back up procedure rather than rely solely on the indication from the fax server, "it would have helped avoid what happened in this case..."

In this instance, applicants and the patent practitioner have not demonstrated they acted as reasonably prudent persons with regard to their most important business. Applicants did not show that all necessary steps were taken to ensure that the reply was timely filed and received by the USPTO. Rather, it appears that the circumstances applicants find themselves are the consequence of a lack of diligence. If applicants had acted diligently, they would have determined that an error had occurred and could have transmitted the reply again to the USPTO before the period for response had run. A prudent and careful person in relation to his most important business would have followed the normal procedures and awaited receipt confirmation in the unlikely event that proof of the transmission is necessary. At the very least, applicants should have retained a copy of the sending unit's report as indicated in 37 CFR 1.8 confirming transmission in the event that correspondence is timely filed but not received in the USPTO. Lastly, applicants have not provided any evidence to support a conclusion that the response was not timely received by the USPTO because the fax server malfunctioned or any other mechanical failure on the part of the facsimile equipment.

The Office reminds applicants that The USPTO must rely on the actions or inaction of duly authorized and voluntarily chosen representative of an applicant. Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992). That is, an applicant, who voluntarily chose his attorney or agent as his representative, cannot avoid the consequences of his acts or omissions. An applicant is bound by the actions or inactions of his freely selected representative and is considered to have "notice of all facts, notice of which may be charged upon the attorney or agent." Link v. Wabash Railroad Co., 370 U.S. 626, 633-34 (1962). Therefore, an applicant's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay with the meaning of 35 U.S.C. § 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130 (D. Ind. 1987) ("If that attorney somehow breached his duty of care to plaintiff, then plaintiff may have certain other remedies available to him against his attorney. He cannot, however, ask the court to overlook [the attorney's] action or inaction with regard to the patent application. [Plantiff] hired [the attorney] to represent him; [the attorney's] actions must be imputed to him.").

Applicants have not provided a sufficient 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.

Accordingly, the petition is **dismissed**.

In the alternative, applicants may wish to file a petition under 37 CFR 1.137(b) instead of a renewed petition under 37 CFR 1.137(a). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The required reply (unless previously submitted);

(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 was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

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Alexandria, VA 22314

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

C. T. Donnell

Christina Tartera Donnell
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In re Application of :
LOCHTEFELD, THOMAS J. :
Application No. 11/716,254 : ON PETITION
Filed: 03/09/2007 :
Attorney Docket No. PADDED WATER :
RIDE SURFACES

This is a decision on the second renewed petition under 37 CFR 1.137(a), filed October 4, 2011, to revive the above-identified application.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." Extensions of time under 37 CFR 1.136(a) are permitted. No additional fee is required for filing a "Renewed Petition under 37 CFR 1.137(a)."

On June 30, 2010, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period to pay the issue and publication fees. In the absence of a timely filed reply, the application became abandoned on October 1, 2010. On October 13, 2010, the Office mailed a Notice of Abandonment.

On October 19, 2010, applicants filed the original petition under 37 CFR 1.137(a), the petition fee, a Request for Continued Examination (RCE) and an Information Disclosure Statement. In the original petition, the patent practitioner asserted that "Applicant's attorney also had implemented reasonable docketing procedures to determine whether a fax filing was successfully transmitted to the PTO, by checking to see if a confirmation had been received, and making a note on the docket when it hadn't been received, but in this case, a clerical error was made in that no note or record was made that such confirmation had not been received. *Petition, 10/19/10, p. 4.* "Although it is not known why the fax sent on September 30, 2010 to the PTO did not go through, the reason that the PTO failed to receive the RCE and the reason the application was therefore abandoned was because of this clerical error." Id.

On February 4, 2011, the Office mailed a decision dismissing the original petition. The decision stated that applicants did not meet the requirements for a grantable petition under 37 CFR 1.137(a) because they did not file the required reply to the outstanding Notice of Allowance and that they failed to make a satisfactory showing that the entire delay was unavoidable.

On May 25, 2011, applicants filed a renewed petition, accompanied by a request for an extension of time for response within the second month (and fee), the issue fee, and the publication fee. The patent practitioner indicated that "the actual reason the PTO failed to receive the RCE Documents was because of some failure on the part of the fax server to properly transmit the RCE Documents to the PTO, notwithstanding that I had taken all the proper steps reasonably necessary to fax the documents to the PTO." The patent practitioner asserted:

> Applicant's Attorney also relied upon an indication given by the fax server (which was displayed on the computer screen immediately after the "send" button was clicked) that the upload and fax transmission had gone through successfully. To have assumed that the transmission did not go through after receiving an indication that it did go through would mean that Applicant could not rely upon the ordinary and trustworthy agencies that have been implemented by the office to conduct its normal business.
>
> As a precautionary measure, Applicant's Attorney did have a back up procedure in place that would have helped avoid what happened in this case, as described in the Declaration, wherein the office normally waits to receive a confirmation fax from the PTO before entering the filing on the docket. But in this case, due to an oversight by Applicant's Attorney, see Declaration, he relied upon the indication given by the fax server that the fax had uploaded and transmitted successfully, and thus, did not wait to see if a confirmation fax from the PTO had been received. Because the fax server indicated that the fax had uploaded and transmitted successfully, it is believed that Applicant's Attorney exercised reasonable care in relying upon the "agencies and instrumentalities" that had been implemented by the office to ensure that the fax had gone through. Even though Applicant's Attorney did not wait to see if a confirmation fax had been received from the PTO, Applicant submits that forgetting to wait for something that never happened is quite different from forgetting to take affirmative steps to ensure that something did happen. In this case, Applicant's Attorney had taken all reasonable affirmative steps to ensure that the fax had gone through successfully, and even received an indication by the fax server that the transmission had gone through successfully, and the only reason it didn't go through was because of some unexpected and unforeseeable malfunction of the fax server. The only human error made was that he did not wait for the confirmation - something that never happened - before making an entry into the docket, which Applicant believes, under the circumstances, should be considered excusable neglect.

Petition, 05/25/11, p. 4.

On August 4, 2011, the Office mailed a decision dismissing the renewed petition filed May 25, 2011, because applicants did not make an adequate showing of unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

On October 4, 2011, applicants filed the present second renewed petition. Again, the patent practitioner argues that he acted with the reasonable care and prudence in relation to his most important business. The patent practitioner maintains that he took all reasonable care to ensure that the fax documents (i.e. the reply) were sent properly to the USPTO in a timely manner. The patent practitioner avers that he prepared the reply, used an otherwise reliable fax server to fax the reply on the date it was due, and received confirmation on the computer screen. The patent practitioner further asserts:

> What he did not foresee was that there would be some unknown malfunction that would occur that would prevent the fax documents from being delivered to or received by the PTO, notwithstanding they were sent properly. Again, Applicant's Attorney is not aware of what those reasons are-it could have been a malfunction on either the sending or receiving end.
>
> Where the clerical error or oversight occurred, however, was when Applicant's Attorney did not wait to receive the confirmation fax from the PTO that the fax was "received" before entering the filing on the office's docket. And in this respect, as indicated previously, Applicant believes this is different from failing to take some affirmative action, but rather, this was a failure to wait for something that never happened, due to reliance on an otherwise reliable fax server.
>
> Thus, had either of those two events not happened--if there was no malfunction of the fax or no clerical error--the delay could have been avoided. Thus, even though both events occurred, in reality, it was a single unavoidable mistake.
>
> In this case, it was the combination of the malfunction of the fax, as well as the clerical error in not waiting to see whether the confirmation had been received from the receiving party, which led to the failure to respond. Thus, had either the malfunction not occurred, or had the clerical error not been made, the delay may have been avoided.
>
> Thus the proper way to look at this is to think of the circumstances as a single unexpected and unforeseeable error--not two.

Petition, 10/04/11, pp. 3-4.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed;
>
> (2) The petition fee as set forth in § 1.17(l);
>
> (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

The present petition lacks item (3).

The Office notes that the Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable." 35 U.S.C. § 133. Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Specifically, an application is "unavoidably" abandoned 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, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

37 CFR 1.137(a)(3) requires 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. There are three periods of delay to be considered during the evaluation of a petition under 37 CFR 1.137:

(A) the delay in reply that originally resulted in the abandonment;
(B) the delay in filing an initial petition pursuant to 37 CFR 1.137 to revive the application; and

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

In this instance, applicants have not established that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable. That is, applicants have not shown that the delay in filing a grantable petition under 37 CFR 1.137(a) was unavoidable. Specifically, applicants failed to submit the required reply in the form of payment of the issue fee and publication fee with their original petition under 37 CFR 1.137(a) filed October 19, 2010, in accordance with 35 U.S.C. 41(a)(7) and 1.151. Instead, applicants filed a RCE and an IDS which is not an acceptable reply in an application abandoned for failure to pay the issue fee and publication fee. Applicants' failure to submit the issue fee and publication fee with their original petition, which is a condition of reviving this application, is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence. Moreover, delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute "unavoidable" delay. See *Haines*, 673 F. Supp. at 317, 5 USPQ2d at 1132; Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981).

As to applicants' contention that the delay was unavoidable because of the unforeseen malfunction of the fax, the Office reminds applicants that they bear the burden of proof. The patent practitioner has provided no documentary evidence in support of his assertion. Rather, the patent practitioner speculates as to the cause of the malfunction and whether the malfunction occurred on the sending or the receiving end.

Lastly, the patent practitioner states that the clerical error or oversight occurred when the patent practitioner did not wait to receive the confirmation fax from the PTO indicating that the fax was not received before entering the filing on the office's docket. The Office reminds applicants that any error or oversight by the patent practitioner is not a clerical error on the part of an employee in the performance of clerical function such that the delay resulting from the error may provide the basis for a showing of "unavoidable" delay. See MPEP 711.03(c)(II) (C)(2). Rather, an error on the part of a patent practitioner is imputed to applicants. The USPTO must rely on the actions or inaction of duly authorized and voluntarily chosen representative of an applicant. Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992). That is, an applicant, who voluntarily chose his attorney or agent as his representative, cannot avoid the consequences of his acts or omissions. An applicant is bound by the actions or inactions of his freely selected representative and is considered to have "notice of all facts, notice of which may be charged upon the attorney or agent." Link v. Wabash Railroad Co., 370 U.S. 626, 633-34 (1962). Therefore, an applicant's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay with the meaning of 35 U.S.C. § 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130 (D. Ind. 1987) ("If that attorney somehow breached his duty of care to plaintiff, then plaintiff may have certain other remedies available to him against his attorney. He cannot, however, ask the court to overlook [the attorney's] action or inaction with regard to the patent application. [Plaintiff] hired [the attorney] to represent him; [the attorney's] actions must be imputed to him.").

To the extent that the error in failing to note or record on the docket that no confirmation fax from USPTO was received resulted from an error (e.g. docketing error) on the part of an employee in the

performance of a clerical function, it may provide the basis for a showing of "unavoidable" delay provided applicants can show that:

(A) the error was the cause of the delay at issue;
(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See MPEP 711.03(c)(II)(C)(2). In addition, applicants must identify the employee who made the clerical error and provide statements from the employee and all persons with direct knowledge of the circumstances. Applicants should also submit any documentary evidence that would substantiate a clerical error.[1]

After careful consideration of the arguments presented, the Office has concluded that applicants have not provided a sufficient 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.

Accordingly, the petition is **dismissed**.

In the alternative, applicants may wish to file a petition under 37 CFR 1.137(b) instead of a renewed petition under 37 CFR 1.137(a). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The required reply (unless previously submitted);

(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 was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

[1] A showing of unavoidable delay requires: (1) evidence concerning the procedures in place that should have avoided the error resulting in the delay; (2) evidence concerning the training and experience of the persons responsible for the error; and (3) copies of any applicable docketing records to show that the error was in fact the cause of the delay. MPEP 711.03(c)(II)(C). In addition, a petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not just that it was unintentional. Id.

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

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

/Christina Tartera Donnell/

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Office of Petitions

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MAR 13 2012

OFFICE OF PETITIONS

In re Patent No. 8,064,882	:
Shatzkamer et al.	: DECISION ON REQUEST FOR
Issue Date: 11/22/2011	: RECONSIDERATION OF
Application No. 11/716,267	: PATENT TERM ADJUSTMENT
Filed: 03/09/2007	: and
Attorney Docket No. 26310-0225001	: NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION
Title: BLACKLISTING OF UNLICENSED MOBILE ACCESS (UMA) USERS VIA AAA POLICY DATABASE	:

This is a decision on the petition under 37 CFR 1.705(d), filed on January 20, 2012, 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 seven hundred forty-three (743) days. For the reasons stated below, the request for reconsideration will be treated as a petition 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 six hundred fifteen (615) 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 six hundred fifteen (615) days is **GRANTED TO THE EXTENT INDICATED**.

BACKGROUND

On November 22, 2011, the above-identified application matured into U.S. Patent No. 8,064,882, with a revised patent term adjustment of 614 days. On January 20, 2012, 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 743 days.

Patentee argues that the one (1) day of reduction for applicant delay pursuant to 37 CFR 1.704(b), for the filing of a request for continued examination (RCE) on May 23, 2011, 3 months and 1 day after the mailing of the final Office action mailed on February 22, 2011, is not warranted because May 22, 2011 fell on a Sunday, and the reply filed on Monday, March 23, 2011, was timely filed.

Upon review, patentee's argument is persuasive. This reduction has been reconsidered, and it is determined that entry of a reduction of 1 day for this reply timely filed pursuant to 35 U.S.C. § 21(b) is not warranted. Rather, the period of reduction for this reply is 0 days. Accordingly, the period of reduction of 1 day is removed, and a period of reduction of 0 days is entered.

Patentee maintains that the Office incorrectly calculated Office delay pursuant to 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 July 18, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 128 day period from July 18, 2011 (the mailing date of the Notice of Allowance) until November 22, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 128 days and be increased from 105 to 233 days. Patentee concludes that the correct patent term adjustment is 743 days (the sum of 510 days of "A delay" and 233 days of "B delay" minus 0 days of overlap between "A delay" and "B delay" - 0 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) (I) (B) (i) and 37 CFR 1.702(b) (i) as 105 days based on the application having been filed under 35 U.S.C. 111(a) on March 9, 2007, and the patent not having issued as of the day after the three year date, March 10, 2010, and a request for continued examination under 132(b) having been filed on June 23, 2010. In other words, the 128-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

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] Thus, 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

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[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.

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 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, No. 07-1492,

2008 U.S. Dist. LEXIS 76063 (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

[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.

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[3] 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 June 23, 2010, and the patent issued by virtue of that request on November 22, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on June 23, 2010 and ending on November 22, 2011 is not included in calculating Office delay.

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[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.

CONCLUSION

Accordingly, the patent term adjustment is 615 days (510 days of A delay + 105 days of B delay - 0 days of overlap - 0 days of applicant delay).

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, patentee is 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.

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.

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 **six hundred fifteen (615) days**.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,064,882 B2

DATED : **Nov. 22, 2011** **DRAFT**

INVENTOR(S) : Shaktzkamer 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 614 days.

Delete the phrase "by 614 days" and insert – by 615 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/04/11

TO SPE OF : ART UNIT: 2168 VO TIM T (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/716269 Patent No.: 7908273

C of C Mailroom date: 04/27/11

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

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: _____

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
SPE

2168
Art Unit

Doc Code: PET.RELIEF
Document Description: Certification and Request for Japan Events Relief

PTO/SB/425 (03-11)

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): 11716275	Patent Number (if applicable):
First Named Inventor: Yoshinori TAKEUCHI	Title of Invention: MOTOR-DRIVEN POWER STEERING APPARATUS

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

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:

   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.

   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.

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:

   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 *sua sponte* 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: 571-273-6500.

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):
   a. The maintenance fee payment was required to have been paid after March 10, 2011.
   b. 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)).
   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
   e. 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).
   f. 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).
   g. 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:
   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
   b. 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.
   c. 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.
   d. 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 /Keith H. Orum/	Date 28 March 2011
Name (Print/Typed) Keith H. Orum	Practitioner Registration Number 33985

***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*.*

☐ *Total of 1 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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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Charles S. Zuker, et al.	:	
Application No. 11/716,362	:	DECISION ON PETITION
Filed: March 8, 2007	:	
Attorney Docket No. 02307E-088723US	:	

This is a decision on the petition, filed March 17, 2010, which is being treated as a petition under 37 CFR 1.181(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 April 20, 2009, which set a (3) month shortened statutory period for reply. Accordingly, a reply was due on or before July 20, 2009 or on before October 20, 2009 with a three (3) month extension of time under 37 CFR 1.136.

Petitioner states that a timely reply was filed that included a Terminal Disclaimer in the above identified application on October 19, 2009. The Terminal Disclaimer that was filed on October 19, 2009 was deemed to be improper because it was not signed by an attorney of record.

A review of the written record indicates that the Terminal Disclaimer that was timely filed on October 19, 2009, was properly not accepted. However, the Terminal Disclaimer filed September 21, 2009, is indeed proper as it was signed by a representative of the assignee who has duly self-certified to act on behalf of the assignee.

In view of the above, the abandonment for failure to timely file a reply to the Final Office action of April 20, 2009 is hereby withdrawn and the application restored to pending status.

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

This application is being referred to Technology Center AU 1649 for appropriate action in the normal course of business on the Terminal Disclaimer filed September 21, 2009.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET NW
WASHINGTON DC 20006

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of	:	
Mike Meiners	:	
Application No. 11/716,436	:	DECISION ON PETITION
Filed: March 9, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 19700-4000	:	AND 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed February 23, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to non-provisional application No. 11/714,403, and an unintentionally delayed claim under 35 U.S.C. § 119(e) to provisional application No. 60/787,919, both set forth in the Amendment filed with the petition.

The petition is **GRANTED**.

Applicant previously filed a petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) on August 13, 2009. However, the petition was dismissed in a decision mailed on November 9, 2009. The petition was dismissed because Applicant's Amendment improperly incorporated the provisional and non-provisional applications by reference.

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) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 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.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §§ 119(e) and 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) and 1.78(a)(6) 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 119(e) and 37 CFR 1.78(a)(2) and (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.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. 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 Group Art Unit 3637 for consideration of the Amendment filed February 23, 2010.

Christopher Bottorff
Petitions Examiner
Office of Petitions

Enc: corrected filing receipt (3 pages)

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/716,436	03/09/2007	3637	1147	19700-4000	31	4

CONFIRMATION NO. 7249

CORRECTED FILING RECEIPT

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

OC000000052529885

Date Mailed: 02/13/2012

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)

Mike Meiners, Chicago, IL;

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

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/787,919 03/31/2006
and is a CON of 11/714,403 03/06/2007 ABN
which claims benefit of 60/787,919 03/31/2006

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: 03/29/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/716,436**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

STACKABLE, INTERLOCKABLE FURNITURE MODULES

Preliminary Class

108

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

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

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

NOT GRANTED

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

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DILORENZO BIOMEDICAL, LLC
P.O. BOX 300905
HOUSTON TX 77230

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Daniel John Dilorenzo	:	
Application No. 11/716,451	:	DECISION ON PETITION
Filed: March 9, 2007	:	
Attorney Docket No. **GISTIM 03.01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 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 September 1, 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 October 2, 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.

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

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.

JoAnne Burke
Petitions Examiner
Office of Petitions

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2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Ignagni, et al.	:	
Application No. 11/716,459	:	DECISION ON PETITION
Filed: March 9, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10091-704.201	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 8, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional application No. 10/897,685.

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 items (1) above.

The reference to add the relationship (continuation-in-part of application No. 10/897,685) in the second sentence of the specification on page one following the title is not acceptable as drafted. Because the relationship was added after filing, this constitutes new matter. 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).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

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

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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 Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Supervisor
Office of Petitions

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SUITE 210
SAN MATEO CA 94403

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Ignagni, et al.	:	
Application No. 11/716,459	:	DECISION ON PETITION
Filed: March 9, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10091-704.201	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional application No. 10/897,685.

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 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 priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. 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 3766 for consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the non-provisional application set forth in the Amendment and the ADS, both filed December 17, 2010.

Chris Bottorff
Supervisor
Office of Petitions

Enc: Corrected Filing Receipt (3 pages)

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/716,459	03/09/2007	3766	565	10091-704.201	10	2

CONFIRMATION NO. 8467

CORRECTED FILING RECEIPT

66854
SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

OC000000043654320

Date Mailed: 01/18/2011

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)

Anthony R. Ignagni, Oberlin, OH;
Raymond P. Onders, Shaker Heights, OH;

Power of Attorney: The patent practitioners associated with Customer Number 66854

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/767,201 03/09/2006
and claims benefit of 60/861,568 11/28/2006
and claims benefit of 60/872,265 12/01/2006
and is a CIP of 10/897,685 07/23/2004 PAT 7,840,270
which claims benefit of 60/481,124 07/23/2003

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: 05/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/716,459**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Ventilatory assist system and methods to improve respiratory function

Preliminary Class

607

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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AUG 18 2011
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In re Patent No. 7,819,502	:	
Issue Date: October 26, 2010	:	
Application No. 11/716,570	:	DECISION ON PETITION
Filed: March 12, 2007	:	
Attorney Docket No. 0879-0866PUS1	:	

This is a decision on the Request Under 37 C.F.R. §3.81To Correct Assignee Identification and Request For Certificate Of Correction Pursuant To 35 U.S.C. 255 and 37 C.F.R. 1.323, filed June 23, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignees' names. A completed Certificate of Correction Form (PTO/SB44) 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 assignees' names on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignees' names identified thereon from:

"Fujifilm Corporation, Tokyo (JP)"

to:

--Fujifilm Corporation, Tokyo (JP)
Fuji Xerox Co., Ltd., Tokyo (JP)--

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 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 (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 (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,819,502.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11716583
Filing Date	12-Mar-2007
First Named Inventor	Shunpei Yamazaki
Art Unit	2892
Examiner Name	CHUONG LUU
Attorney Docket Number	0756-7953
Title	METHOD OF MANUFACTURING A 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	/Eric J. Robinson/
Name	Eric J. Robinson
Registration Number	38285

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 : August 9,2011

In re Application of :

Shunpei Yamazaki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11716583

Filed : 12-Mar-2007

Attorney Docket No : 0756-7953

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 9,2011 , 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 2892 for processing of the request for continuing examination under 37 CFR 1.114 .

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 : December 23, 2011

In re Application of :

Shunpei Yamazaki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11716583

Filed : 12-Mar-2007

Attorney Docket No : 0756-7953

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 23, 2011to 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 2892 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11716583
Filing Date	12-Mar-2007
First Named Inventor	Shunpei Yamazaki
Art Unit	2892
Examiner Name	CHUONG LUU
Attorney Docket Number	0756-7953
Title	METHOD OF MANUFACTURING A 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	/Eric J. Robinson/
Name	Eric J. Robinson
Registration Number	38285

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

MAILED

OCT 03 2011

OFFICE OF PETITIONS

DR. BERNHARD RUDOLF BAUSENWEIN
EICHENSTR, 32
HAGELSTADT D-930-95 DE GERMANY

In re Application of	:	
BAUSENWEIN, et al	:	
Application No. 11/716,649	:	ON PETITION
Filed: March 12, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before August 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 11, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 12, 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(s) 3.

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.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Bernhard R. Bausenwein) was ever given a power of attorney to act on behalf of inventor Max Mayer, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

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 Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DR, BERNHARD RUDOLF BAUSENWEIN
EICHENSTR, 32
HAGELSTADT D-930-95 DE GERMANY

MAILED

OCT 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
BAUSENWEIN, et al	:	
Application No. 11/716,649	:	DECISION ON PETITION
Filed: March 12, 2007	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 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 August 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 11, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 12, 2011. A Notice of Abandonment was mailed August 25, 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 $755 and publication fee of $300; (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.

All other inquiries should be directed to the Patent Publication Branch at (571) 272-4200.

The application is being referred to the Patent Publication Branch for patent processing.

/Diane Goodwyn/
Diane 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

LAW OFFICES OF MITCHELL P. NOVICK
623 EAGLE ROCK AVENUE
SUITE 407
WEST ORANGE NJ 07052

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of
SCHIMPF
Application No. 11/716,737
Filed: March 12, 2007
Docket No. 1864-1527

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 31, 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, May 13, 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 August 14, 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) and 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 AU 3763 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

ROBERT A. KENT
P.O. BOX 1431
DUNCAN OK 73536

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of:	: DECISION ON PETITION
Thomas D. Welton	: UNDER 37 CFR 1.78(a)(3)
Application No. 11/716774	:
Filing or 371(c) Date: 03/12/2007	:
Attorney Docket No. 2004-IP-016366U2	:

This is a decision on the "Renewed Petition Under 37 C.F.R. § 1.78(a)(3) to Accept an Unintentionally Delayed Claim for the Benefit of a Prior-Filed Application, filed May 24, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed Amendment.

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 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 priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. 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 1796 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/716,774	03/12/2007	1796	1130	2004-IP-016366U2	20	3

CONFIRMATION NO. 6951

CORRECTED FILING RECEIPT

71407
ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

OC000000042891550

Date Mailed: 08/04/2010

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)

Thomas D. Welton, Duncan, OK;

Assignment For Published Patent Application

Halliburton Energy Services, Inc.

Power of Attorney:

Robert Kent--28626
William Shull--29438
Mitchell Lukin--30772
John Wustenberg--35415
Paul Morico--35960
Craig Roddy--36256
Paul Herman--37349
Carey Jordan--47646

Domestic Priority data as claimed by applicant

This application is a CON of 10/771,612 02/04/2004 PAT 7,216,710

Foreign Applications

If Required, Foreign Filing License Granted: 04/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/716,774**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Corrosion-inhibiting additives, treatment fluids, and associated methods

Preliminary Class

252

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUBERT PATROVSKY
580 BOUL INDUSTRIEL
ST. EUSTACHE J7R-5V3 CA CANADA

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Hubert Patrovsky	:	
Application No. 11/717,244	:	DECISION ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. PATT-1206-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 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, May 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 August 20, 2010. A Notice of Abandonment was mailed on December 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 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 1774 for appropriate action by the Examiner in the normal course of business on the reply received December 27, 2010.

/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

Ansel M. Schwartz
Suite 304
201 N. Craig Street
Pittsburgh PA 15213

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of	:	
Irwin Kotovsky, et al.	:	
Application No. 11/717,253	:	DECISION ON PETITION
Filed: March 12, 2007	:	
Attorney Docket No. KOTOV-25 CONT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 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 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 17, 2010. 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 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.

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

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

/Terri Johnson/
Terri Johnson
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.
11/717,319	03/13/2007	Mark Akeson	50334/003006	9418

21559 7590 04/08/2011
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER
LONG, SCOTT

ART UNIT	PAPER NUMBER
1633	

NOTIFICATION DATE	DELIVERY MODE
04/08/2011	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):

patentadministrator@clarkelbing.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APR 0 8 2011

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of:
Akeson, et al.
Serial No.: 11/717,319
Filed: March 13, 2007
Attorney Docket No.: **50334/003006**

: PETITION DECISION

This is in response to the petition filed by applicants under 37 CFR § 1.181(a) on March 28, 2011, requesting that finality of the Office action of January 27, 2011 be withdrawn.

BACKGROUND

On July 30, 2010, the examiner mailed a non-final Office action setting a three month statutory limit for reply. At the time this Office action was mailed, claims 12-23, 25 and 26 were pending and claims 12-17, 20-23, 25 and 26 were rejected in the application. Claims 18 and 19 were withdrawn from consideration. Claims 12, 13, 15, 20-23 and 25-26 were rejected under 35 USC 102 (b) as being anticipated by Sukharev et al. Claims 12, 14, 15, 20-21, 23 and 26 were rejected under 35 USC 102 (b) as being anticipated by Benz et al. Claims 12-16, 20-21 and 26 were rejected under 35 USC 102 (b) as being anticipated by Simon et al. Claims 12-18, 20-23 and 26 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 7, 10 of US Patent 5,795,782. Claims 12-23 and 26 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of US Patent 6,015,714.

In response thereto, applicants submitted amendments and remarks on December 29, 2010 addressing the rejections set forth in the Office action of July 30, 2010.

The examiner mailed to applicants a final Office action on January 27, 2011 setting a three month statutory limit for reply. At the time this Office action was mailed, claims 12-23, 25 and 26 were pending and claims 12-17, 20-23, 25 and 26 were rejected in the application. Claims 18

and 19 remained withdrawn from consideration. Claims 12, 13, 15, 20-23 and 25-26 were again rejected under 35 USC 102 (b) as being anticipated by Sukharev et al. Claims 12, 14, 15, 20-21, 23 and 26 were again rejected under 35 USC 102 (b) as being anticipated by Benz et al. Claims 12-16, 20-21 and 26 were again rejected under 35 USC 102 (b) as being anticipated by Simon et al. Claims 12-18, 20-23 and 26 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 7, 10 of US Patent 5,795,782. Claims 12-23 and 26 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of US Patent 6,015,714.

On March 28, 2011, applicants submitted the petition currently under review.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on March 28, 2011, applicants' argue that the finality of the Office action of January 27, 2011 be withdrawn. Specifically, applicants argue "... that the Examiner relies on newly cited Beckman to support the rejection of the claims. This reference was not cited by Applicants in an information disclosure statement, and the rejection of the claims was not necessitated by amendment, since no amendment was made in response to the previous action (dated July 30, 2010). Furthermore, the documentary evidence missing from the rejection made in July 30, 2010 is not instantly and unquestionably demonstrable as being well-known. Accordingly, it is improper to make this action final." Applicants also argue "The rejection should be non-final in order to allow Applicants fair opportunity to respond to the rejection by amendment or argument, as appropriate. The Examiner's reliance on Beckman et al. does not simply show what is well-known. In particular, the Examiner asserts that "The PCC described by Simon as being part of the endoplasmic reticulum have been *known* since 1975." (page 11; emphasis added). Although no citation was provided, this assertion appears to be based on Beckman et al."

Applicants' points have been carefully considered but are not persuasive. A detailed review of the final Office action shows that the examiner set forth the reference of Beckman et al. on page 11 of the final Office action. However, in applicants last response of December 29, 2010 on page 4, they set forth the following: "With respect to Simon, the Office states that the reference teaches measuring conductance as a polypeptide traverses a protein conducting channel of endoplasmic reticulum. The Office further describes the dimensions of a protein conducting channel. With respect to the Office's statements regarding the protein conducting channel, Simon does not employ the phrase "protein conducting channel" nor describe any of its physical dimensions. It thus appears that the Office is relying on a secondary reference not of record to support the rejection. If the rejection is maintained, the Office is requested to provide the secondary reference providing information regarding a protein conducting channel." As a result of these statements, the examiner provided a secondary reference at their request to support the inherent physical property set forth in the title of Simon et al. in the rejection. Beckman et al. provides a detailed description of PCC that demonstrates that Simon et al. anticipates the claims.

Beckman et al. is not required by the rejection because PCC falls within the scope of their claims, and is only provided to rebut their argument and at their request.

Accordingly, the finality of the Office action of January 27, 2011 is deemed proper and will not be withdrawn.

DECISION

The petition is **DENIED**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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.

Jacqueline Stone
Director, Technology Center 1600

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Paper No.

MAILED

OCT 04 2010

OFFICE OF PETITIONS

CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Patent No. 7,763,441	:	DECISION ON REQUEST
Berasi et al.	:	FOR
Issue Date: July 27, 2010	:	RECONSIDERATION OF
Application No. 11/717,426	:	PATENT TERM ADJUSTMENT
Filed: March 13, 2007	:	
Atty Docket No. 2004658-1406 (WYE-056)	:	

This is a decision on the petition pursuant to 37 C.F.R. 1.705(d), filed on September 27, 2010. Patentee requests that the patent term adjustment be corrected from one hundred and eighty-three (183) days to two hundred and twenty-six (226) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

Patentee is 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 C.F.R. § 1.136.

Application No. 11/717,426 matured into U.S. patent No. 7,763,441 on July 27, 2010, with a patent term adjustment of 183 days.

Patentee has indicated that this patent is not subject to a terminal disclaimer.[1]

Patentee contests a single period of delay: the 43-day reduction associated with the submission of 16 pages of replacement drawings on June 15, 2010.

[1] Petition, page 2.

37 CFR 1.704(c)(10) 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 September 22, 2009. Replacement drawings were filed on June 15, 2010, and the patent issued 42 days later on July 27, 2010. This warrants a reduction of 43 days pursuant to 37 C.F.R. § 1.704(c)(10), as the date on which the supplemental response was filed is included in the period of delay.

It follows that the applicant delay totals 71 (28 + 43) days.

Moreover, Patentee has failed to take into account the 96-day adjustment to the patent term that is associated with the issuance of this patent on July 27, 2010: it is noted that the PAIR calculations do not expressly reflect this adjustment. 37 CFR 1.703(a)(6) states that the patent term will be adjusted by:

> 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.

The issue fee was received on December 22, 2009, and this patent issued four months and 96 days later on July 27, 2010. This warrants an adjustment of 96 days pursuant to 37 C.F.R. 1.703(a)(6).

It follows that the examination delay totals 214 (118 + 96) days.

Still further, the Office agrees that the patent issued three years and 136 days after the application was filed. However the period of B-delay is not 136 days. Since the entire 96-day period from April 22, 2010 to July 27, 2010 overlaps with the over three year period, the B-delay equals the over three year period minus this overlapping period of examination delay. As such, the B-delay totals 40 (136 - 96) days.

It follows that the patent term adjustment is 183 (214 examination delay plus 40 B-delay minus 71 applicant delay) days, not 226 days.

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

As the patent issued with the correct patent term adjustment, a certificate of correction is not required.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

[2] Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
[3] Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
[4] (571) 273-8300 - please note this is a central facsimile number.
[5] https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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

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FEB 28 2011
OFFICE OF PETITIONS

In re Application of
Janik et al.
Application No. 11/717,430
Filed: March 13, 2007
Attorney Dkt. No. 088245-8253
For: STORAGE AND PLAYBACK DEVICE AND METHOD FOR USING THE SAME

ON APPLICATION FOR PATENT TERM ADJUSTMENT

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 December 29, 2010. Applicants request that the determination of patent term adjustment be corrected from five hundred ninety-five (595) days to nine hundred ninety-seven (997) days. 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**.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required. The fee set forth in 37 CFR 1.18(e) is required and will not be refunded.

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 fee[1].

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[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.

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 matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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KEUM SOOK BAEK
11045 8TH AVE NE APT 404
SEATTLE WA 98125-6130

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Keum Sook Baek	:	
Application No. 11/717,553	:	ON PETITION
Filed: June 11, 2007	:	
Title: Nail Clipper With Clippings-Catcher	:	

This is a decision on the petition under 37 CFR 1.181, filed July 13, 2010, which will be 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(0. 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 became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 24, 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 March 25, 2009. A Notice of Abandonment was mailed June 9, 2010.

A review of USPTO records includes a response to the non-final Office action mailed December 24, 2008 as having been received March 25, 2009.

Petitioner contends that a proper reply to the Office letter was timely and to "please see attached original receipt of the certified mail transmission, which occurred within allowed response time."

Petitioner has submitted a U.S. Postal Service Certified Mail receipt stamped March 23, 2009 as evidence. However, the USPTO will only recognize the date of deposit as the USPTO receipt date when an applicant utilizes the USPS Express Mail service, not the Certified Mail service. *See* MPEP 513.

Chapter 500 of the MPEP deals with the Receipt and Handling of Mail and Papers. If a receipt for any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from the United States Postal Service (LI.SPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date.

The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

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

Since there is no record of a timely response being filed and no postcard receipt to serve as evidence of receipt, the petition fails to satisfy the above-listed requirements. Therefore, as the petition fails to satisfy all of the above-listed requirements, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

Petitioner further contends that "I have not received such document asking for any action on my part. I claim this to be no fault of mine, and I believe that there has been errors elsewhere." It is believed that this reference concerns the Notice Requiring Extension of Time Fee mailed to applicant on May 29, 2009. The Notice was mailed to the correct correspondence address of record. A review of the record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the applicant at the address of record.

In the event petitioner fails to satisfy all of the above-stated requirements of 37 CFR 1.181 petitioner may wish to petition under 37 CFR 1.137(b).

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).

Additionally, there is no fee requirement for petitions under 37 CFR 1.181. However, an "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the small entity $810.00 petition fee.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272 7751.

/Liana Walsh/
Liana Walsh
Petitioners 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
www.uspto.gov

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

In re Application of	:	
Mototsugu Kawamata	:	
Application No.: 11/717,619	:	ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No.: Q100353	:	

This is a decision on the petition, filed November 19, 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 November 5, 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 2475 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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June 17, 2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Yukihito Ichikawa	:	**DECISION ON PETITION**
Application No. 11717745	:	
Filed: 3/14/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 131730	:	***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) March 14, 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.

/Don Fairchild/
Office of Data Management
Publications Branch

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

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of :
Gregory J. Denault :
Application No. 11/717,775 : DECISION ON PETITION
Filed: March 14, 2007 : TO WITHDRAW
Attorney Docket No. 039684-3 : 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 August 12, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Marc S. Kaufman 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: Eugene J. Cunningham, MA, JD
28 Clinton St., No. 6
Saratoga Springs, NY 12866

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:201008051

DATE : August 6, 2010

TO SPE OF : ART UNIT

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

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: Lincoln Donovan **Art Unit** 2816

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/16/10

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction for Appl. No.: 11717836 Patent No.: 7501879

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
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: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Lincoln Donovan/ 2816

SPE **Art Unit**

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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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of	:	
COCIORVA, et al	:	
Application No. 11/718,000	:	DECISION ON PETITION
Filed: March 13, 2007	:	
Attorney Docket No. 012998-004-999	:	

This is a decision on the petition under 37 CFR 1.182, filed April 22, 2011, to correct the name of Inventor Szardenings first name from "Katrin" to --Anna Katrin--.

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 1629 for examination in due course.

Telephone inquiries regarding this decision should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/718,000	03/13/2007	1629	5318	012998-004-999	70	1

CONFIRMATION NO. 1492

CORRECTED FILING RECEIPT

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

OC000000047929983

Date Mailed: 06/17/2011

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)

Oana Cociorva, San Diego, CA;
Bei Li, San Diego, CA;
Anna Katrin Szardenings, San Diego, CA;
Yasumichi Fukuda, Shimotsuga-gun, JAPAN;
Masahiro Nomura, Shimotsuga-gun, JAPAN;
Shigeki Seto, Shimotsuga-gun, JAPAN;
Kazuhiro Yumoto, Shimotsuga-gun, JAPAN;
Kyoko Okada, Shimotsuga-gun, JAPAN;
Ayako Nakamura, Shimotsuga-gun, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 20583

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/781,628 03/13/2006

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: 04/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/718,000**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

AMINOQUINOLONES AS GSK-3 INHIBITORS

Preliminary Class

546

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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

MAILED

JAN 13 2012

OFFICE OF PETITIONS

In re Patent No. 7,927,006	:	
Issued: 04/19/2011	:	
Application No. 11/718003	:	NOTICE
Filed: 04/26/2007	:	
Docket No. MTO-PT004 (MTO_04_US)	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 5, 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.

Inquiries related to this communication 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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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of :
Baeckman et al. :
Application No 11/718,015 : ON PETITION
Filed: March 17, 2009 :
Attorney Docket No. 13951 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2009, 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 May 10, 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 November 11, 2010. 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.

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) 272-3215.

This application is being referred to Technology Center AU 1765 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Michael Mlotkowski
7918 Jones Branch Drive, Suite 500
McLean, VA 22102

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GERSTENZANG, WILLIAM C.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Gerhard Birke et al. :
Application No. 11/718,020 : DECISION ON PETITION
Filed: April 26, 2007 :
Attorney Docket No. **100726-69 WCG** :

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.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 22, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 22, 2011. Accordingly, the date of abandonment of this application is September 23, 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

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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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Doran Algranati, et al.	:	
Application No. 11/718,049	:	ON PETITION
Filed: April 26, 2007	:	
Attorney Docket No. P-72597-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 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 June 17, 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 August 18, 2010. See MPEP 1215.04. The Notice of Abandonment was mailed March 3, 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 $405, and the submission required by 37 CFR 1.114; (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) 272-2991.

This application is being referred to Technology Center AU 2857 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.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Oren Reches**
21 North Union Street
Suite 100
Alexandria, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MCGARRY BAIR PC
32 MARKET AVE. SW
SUITE 500
GRAND RAPIDS MI 49503

MAILED

FEB 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Harkema et al.	:	DECISION ON PETITION
Application No. 11/718,136	:	TO WITHDRAW
Filed: November 18, 2008	:	FROM RECORD
Attorney Docket No. 71533-0033	:	

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 18, 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.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

Currently, there is no outstanding Office action that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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27389
NORRIS, MCLAUGHLIN & MARCUS
875 Third Ave.
18th Floor
New York, NY 10022

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of :
DIAS, Rodrigue :
U.S. Application No.: 11/718,185 :
PCT No.: PCT/GB2005/004013 :
Int. Filing Date: 19 October 2005 :
Priority Date: 27 October 2004 :
Attorney's Docket No.: 102792-716/11513P4 :
For: PACKAGING AND DISPLAY BOX :

DECISION

The decision is in response to the second renewed petition under 37 CFR 1.47(b) submitted on 05 August 2010.

BACKGROUND

On 13 April 2010, a decision dismissing applicant's renewed petition under 37 CFR 1.47(b) was mailed. All items of 37 CFR 1.47(b) were satisfied except item (5). Applicants were given two months to respond with extensions of time available.

On 05 August 2010, the 37 CFR 1.47(b) applicant submitted this response which was accompanied by, *inter alia*, a two-month extension and $490.00 extension fee, and documentary evidence in support of the petition (Exhibits (p) - (s)).

DISCUSSION

The 37 CFR 1.47(b) applicant claims that the sole inventor, Rodrigue DIAS, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(b).

In the prior decision, it was noted that item (5) of 37 CFR 1.47(b) was not satisfied for the following reasons:

(1) An English translation of the employment agreement between Reckitt Benckiser Produktions GmbH and Rodrigue DIAS was requested;

(2) A declaration by a person with first-hand knowledge detailing that the invention was made by the nonsigning inventor and that the invention was made within the scope of duties was also requested; and,

(3) Proper legal documentation regarding the transfer of the above-captioned

invention from Reckitt Benckiser Produktions GmbH and Reckitt Benckiser N.V. was requested.

The 37 CFR 1.47(b) applicant has complied with all these requirements in the subject response.

An English translation of Mr. Dias employment agreement was submitted. A review of the employment agreement shows that the provisions of § 8 Creative Achievements/Service Inventions states that all the results of the employees work is the property of the Company (Reckitt Benckiser Produktions GmbH).

An affidavit of Jacques Van Diepen, the supervisor of Mr. Dias, states that he was personally aware of the invention, and that the invention was made both within the scope of his duties during the time period of his employment agreement.

A copy of an Assignment/Agreement was submitted showing that the priority application (GB 0423805.1, 27 October 2004) was transferred from Reckitt Benckiser Produktions GmbH to Reckitt Benckiser N.V.

This evidence is sufficient to satisfy item (5) of 37 CFR 1.47(b). All items of 37 CFR 1.47(b) are now complete.

CONCLUSION

Applicant's second renewed petition under 37 CFR 1.47(b) is hereby **GRANTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 27 October 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 28 October 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

Mr. Rodrigue Dias
c/o Iris Leith
Auf den Wiesen 2
67549 Worms
Germany

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of
DIAS, Rodrigue
U.S. Application No.: 11/718,185
PCT No.: PCT/GB2005/004013
Int. Filing Date: 19 October 2005
Priority Date: 27 October 2004
Attorney's Docket No.: 102792-716/11513P4
For: PACKAGING AND DISPLAY BOX

Mr. Dias:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

NORRIS, MCLAUGHLIN & MARCUS
875 Third Ave.
18th Floor
New York, NY 10022

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Honda	:	
Application No. 11/718,195	:	
Filing Date: July 19, 2007	:	DECISION ON PETITION
Patent No. 7,779,380	:	PURSUANT TO 37 C.F.R.
Issue Date: August 17, 2010	:	§ 3.81(B)
Attorney Docket Number:	:	
29898/42735	:	
Title: DATA PROCESSING APPARATUS	:	
INCLUDING RECONFIGURABLE LOGIC	:	
CIRCUIT	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b),[1] filed September 29, 2010, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED.**

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "Ipflex, Inc." to "Fuji Xerox Co. Ltd."

37 C.F.R. §3.81(b), effective June 25, 2004, reads:

> (b) 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

1 See Official Gazette, June 22, 2004.

> 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.

Petitioner has not set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent. However, it is noted that Office records indicate that an assignment was received in the Office on July 19, 2007, and as such, this requirement of 37 C.F.R. § 3.81(b) is waived, *sua sponte*.

Receipt of both the $130 processing fee and the required $100 certificate of correction fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "Fuji Xerox Co. Ltd."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

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MAILED

JAN 23 2012

OFFICE OF PETITIONS

David Aker
23 Southern Road
Hartsdale NY 10530

In re Application of	:	
Wang, et al.	:	
Application No. 11/718,235	:	ON PETITION
Filed: April 28, 2007	:	
Attorney Docket No. CE-005USPCT(PAR)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned December 16, 2010 for failure to timely submit a proper reply to the final Office action mailed September 15, 2010. Notice of Abandonment was mailed March 25, 2011.

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 2857 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
AUG 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Lars Falck Villemoes, et al.	:	
Application No. 11/718,238	:	DECISION GRANTING PETITION
Filed: April 30, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SCHO0568	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 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 December 10, 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 2626 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/718,287	04/30/2007	Jurg Trub	306681US28PCT	4158

22850 7590 02/10/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
02/10/2011	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 0 9 2011

OBOLON, SPIVAK, MCCLELLAND, MAIER
& NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of JURG TRUB Application No. 11/718,287 Filed: April 30, 2007 For: COMPUTER SYSTEM AND METHOD MANAGING FINANCIAL FUNDING OF A FINITE INSURANCE POLICY	: : : : : : : :	DECISION ON PETITION TO REVIEW RESTRICTION REQUIREMENT UNDER 37 CFR 1.144

This is in response to applicant's Petition for Supervisory Review received October 4, 2010 requesting a withdrawal of the requirement for restriction made final in the Office action mailed February 25, 2010.

The petition is **GRANTED.**

A review of the record indicates that the examiner required a restriction between invention 1 (claims 1-18) and invention 2 (claims 19-24) as being related as subcombinations disclosed as usable together.

Applicant contends that since this application was filed as a national stage application under 35 U.S.C. 371, that it is improper to not base any restriction on the criteria of unity of invention as outlined in MPEP 1893.03(d).

MPEP 1893.03(d) states "examiners are reminded that unity of invention (not restriction practice pursuant to 37 C.F.R. 1.141-1.146) is applicable . . . in national stage applications submitted under 35 U.S.C. 371."

In view of the findings noted above, the restriction requirement with regard to claims 1-24 was improper and is hereby withdrawn. Further, withdrawn claims 19-24 are hereby reinstated. Accordingly, the application will be returned to the examiner for consideration of the claims under unity of invention.

The petition to withdraw the requirement for restriction of February 25, 2010 is **GRANTED**.

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

JAK/snm: 2/2/2011

SM

UNITED STATES PATENT AND TRADEMARK OFFICE

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March 7, 2011

Drew Hissong
Roylance, Abrams, Berdo & Goodman LLP
1300 19th Street NW
Suite 600
Washington DC 20036-1649

Patent No.	: 7,846,972 B2
Ser. No.	: 11/718,361
Inventor(s)	: Hiroshi Nojima, et al.
Issued	: December 7, 2010
Docket No.	: 568060
Title	: **MULTIMERIC OLEAMIDE DERIVATIVE HAVING CONNEXIN-26 INHIBITING POTENCY AND USE THEREOF IN CANCER THERAPY, ETC**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROYLANCE, ABRAMS, BERDO
& GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED

JUL 11 2011

OFFICE OF PETITIONS

In re Patent No. 7,846,972 :
Issue Date: 7 December, 2010 :
Application No. 11/718,361 : ON PETITION
Filed: 1 May, 2007 :
Attorney Docket No. 56860 :

This is a decision on the petition filed on 14 March, 2011, pursuant to 37 C.F.R. §1.183 and §3.81(b) to correct, *inter alia*, the name of the assignee on the front page of the above-identified patent by way of a certificate of correction under 37 C.F.R. §1.323.

The request is **GRANTED**— upon the instant showing of the recordation of the assignment on 3 July, 2007, and the location of recordation as Reel/Frame 019509/0287.

Petitioner requests issuance of a certificate of correction the identification of the first Assignee(s) to "**THE NEW INDUSTRY RESEARCH ORGANIZATION (Kobe, Japan)**" of the substance/form of that submitted therewith.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 C.F.R. §3.81(b) and directing issuance of the requested Certificate of Correction.

Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Patent No. 7,846,972
Application No. 11/718,361

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) 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

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

§1.2 Business to be transacted in writing.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/718,372	05/01/2007	Koshi Tokunaga	B588-601 (25815.614)	5717

26272 7590 09/17/2010
COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER
SAJOUS, WESNER

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
09/17/2010	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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SEP 17 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK NY 10036

In re Application of
Tokunaga, Koshi
Serial No.: 11/718,372
Filed: May 01, 2007
For: **IMAGE PROCESSING APPARATUS AND IMAGE PROCESSING METHOD**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.84(a)(2) filed May 01, 2007, requesting the acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1, 3, 5A, 5B, 5C, 5D, 6 & 11 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, 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 is **GRANTED**.

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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 31,2011

In re Application of :

Young Shin

Application No : 11718449

Filed : 31-May-2007

Attorney Docket No : 4013.428.1088

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed October 31,2011 , 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 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

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11718449
Filing Date	31-May-2007
First Named Inventor	Young Shin
Art Unit	1646
Examiner Name	JEGATHEESAN SEHARASEYON
Attorney Docket Number	4013.428.1088
Title	HUMAN INTERFERON-BETA MUTEIN

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.
- [x] 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	/Yun H. Choe/
Name	Yun H. Choe
Registration Number	61798

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P.O. Box 1450
Alexandria, VA 22313-1450
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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Dominic **IMFELD** et al.	:	
Application No. 11/718,496	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: October 29, 2007	:	
Attorney Docket No. 5979/001	:	

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON DC 20005

MAILED

DEC 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Bernd Eberstaller	:	
Application No. 11/718,676	:	ON PETITION
Filed: May 4, 2007	:	
Attorney Docket No. 0029.1006	:	

This is a decision regarding your request for acceptance of a fee deficiency submission filed November 22, 2011. The request is being treated as a petition 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.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

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

Your fee deficiency submission in the amount of $270.00 under 37 CFR 1.28 has been applied and is hereby accepted. The petition is therefore **GRANTED**.

The matter is being referred to Technology Center 2433.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11718689
Filing Date	09-Oct-2007
First Named Inventor	Hans-Martin Henning
Art Unit	3784
Examiner Name	MOHAMMAD ALI
Attorney Docket Number	P31970
Title	PASSENGER CAR AIR-CONDITIONING SYSTEMS WITH ADSORTION HEAT PUMPS

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	/Robert W. Mueller/
Name	Robert W. Mueller
Registration Number	35043

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 : September 1,2011

In re Application of :

Hans-Martin Henning

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11718689

Filed : 09-Oct-2007

Attorney Docket No : P31970

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 1,2011, 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 3784 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
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED
MAR 15 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
WYLAND et al	:	
Application No. 11/718,711	:	
PCT No.: PCT/IB2005/053623	:	
Int. Filing Date: 04 November 2005	:	
Priority Date: 04 November 2004	:	PETITION UNDER
Attorney's Docket No.: US040451US2	:	
For: CARBON NANOTUBE-BASED FILLER	:	
FOR INTEGRATE CIRCUITS	:	37 CFR 1.137 (b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally under 37 CFR 1.137(b)," filed on 01 November 2008.

BACKGROUND

On 04 November 2005, this international application was filed, claiming an earliest priority date of 04 November 2004. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 04 May 2007.

On 04 May 2007, applicants filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

On 05 October 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." To avoid abandonment, the above items must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 26 September 2008, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 10/05/2007 within the time period set therein.

On 01 November 2008, applicant filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has not provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3).

In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy all the items under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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.
11/718,714	03/28/2008	Chris Wyland	US04 0455 US2	9631

65913 7590 01/26/2011
NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

EXAMINER
THOMAS, BRADLEY H

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	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):

ip.department.us@nxp.com

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CORPORATE PATENT COUNSEL
NXP Intellectual Property & Standards
1109 McKay Drive, Mail Stop SJ41
San Jose, CA 95131

In re Application of: WYLAND et al.	:	
Application No. 11/718,714	:	PETITION TO WITHDRAW FINALITY
Filed: March 28, 2008	:	UNDER 37 CFR 1.181
Attorney Docket No. US040455US2	:	
	:	

This is in response to applicant's petition filed December 14, 2010, requesting that the finality of the office action mailed October 14, 2010 be withdrawn.

Applicant's petition is **DENIED**.

Applicant is asserting that "*The Office Action presents several new reasons for the rejection of claims 1-20. Specifically...for the first time, the Examiner's definition of "fluid", as well as an explanation as to how the asserted material conforms to that definition. Applicant has not had an adequate opportunity to rebut these assertions*".

A review of the record shows that there is NO new ground of rejection. The addition of the definition of fluid and the explanation for how the asserted material meets this definition is part of the examiner's rebuttal of applicants' arguments dated August 4, 2010. Both the grounds of rejection and the reason for rejection remain the same.

Telephone inquires concerning this decision should be directed to Jayprakash N Gandhi (571) 272-3740.

John Cabeca, Director
Technology Center 2800

Gandhi, Jayprakash

From: Schuberg, Darren
Sent: Thursday, January 13, 2011 9:16 AM
To: Gandhi, Jayprakash
Subject: FW:
Attachments: 11718714_withdraw_finality_DENIED.doc

I made some tweeks in bold and strikethrough. I think it should be ok. Please remember to have your examiner act on the AF amendment filed 12/14/10. It's kinda overdue now.

From: Gandhi, Jayprakash
Sent: Thursday, January 13, 2011 8:30 AM
To: Schuberg, Darren
Subject:

Hi Darren,
Can you please check if the petition write up is ok.

tnx.

Jayprakash (JP) N. Gandhi
SPE AU 2835/PTA Trainer Nov. 8, 2010 Lab 4
(571)272-3740
(571)273-3740 (Fax)

"There will be days when you don't know if you can run a marathon.
There will be a lifetime of knowing that you have." -Unknown

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OLIVER INTELLECTUAL PROPERTY LLC
P.O. BOX 1670
COTUIT MA 02635

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Application of	:	
Kienzler et al.	:	
Application No. 11/718,800	:	DECISION ON PETITION
Filed: May 7, 2007	:	
Attorney Docket No. 870-003-196	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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, July 14, 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 October 15, 2009. A Notice of Abandonment was mailed 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 an Amendment, (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 Technology Center AU 2834 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
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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ANTONELLI TERRY STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

MAILED
JUL 01 2011
OFFICE OF PETITIONS

In re Application of :
Yoshihiro Komori et al :
Application No. 11/718,807 : ON PETITION
Filed: April 25, 2008 :
Attorney Docket No. 1533.47421X00

This is a decision on the petition, filed June 30, 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 May 31, 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 2624 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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Paper No.

MAILED

NOV 03 2011

OFFICE OF PETITIONS

Paul D. Strain
Strain & Strain, PLLC
1455 Pennsylvania Ave NW, Suite 400
Washington DC 20004

In re Application of:	:	LETTER REGARDING
Fairhurst et al.	:	PATENT TERM ADJUSTMENT
Application No. 11/718,829	:	and
Filed: May 8, 2007	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 999100-0105	:	CERTIFICATE OF CORRECTION
Title: 5-HYDROXY-BENZOTHIAZOLE	:	
DERIVATIVES HAVING BETA-2-	:	
ADRENORECEPTOR AGONIST ACTIVITY	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.705(b) filed October 18, 2011. Applicant requests an adjustment of the initial patent term adjustment from 0 days to 28 days, an increase of 28 days.

The request for reconsideration of the patent term adjustment is **GRANTED to the extent that the initial patent term adjustment will be increased to 29 days.**

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 **twenty-nine (29)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 20, 2011, the Office mailed a 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 0 days. The present application for patent term adjustment was timely filed[1] on or before payment of the issue

1 PALM records indicate that the issue fee was submitted concurrently with the filing of this petition.

fee. Applicant argues that one period of applicant delay and one period of examination delay were improperly calculated.

37 C.F.R. § 1.704(b) indicates that the following occurrence constitutes applicant delay:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, 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 that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

On December 24, 2008, the Office mailed a non-final Office action. A response was received three months and 158 days later on August 29, 2009, and a reduction of 158 days was assessed accordingly, pursuant to 37 C.F.R. § 1.704(b). Applicant argues that this response was received not on August 29, 2009, but rather on June 29, 2009, which is three months and 97 days after the mailing of the non-final Office action. A review of the record shows this assertion to be accurate. It follows that the period of applicant delay that is warranted in association with the submission of the response to the non-final Office action of December 24, 2008 is 97 days, and not 158 days.

The reduction of 158 days has been removed, and a reduction of 97 days has been added.

The erroneous entry of a date of August 29, 2009 instead of June 29, 2009 gives rise to a single period of examination delay. 37 C.F.R. § 1.703(a)(2) indicates that the following occurrence constitutes examination delay:

> 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;

The Office mailed a final rejection on November 2, 2009, and this mailing was in response to the submission of June 29, 2009 (not August 29, 2009). As such, the final rejection was mailed four months and four days (not three days as Applicant argues on the first page of this petition) after the receipt of the reply under 37 C.F.R. § 1.111 was filed.

An adjustment of four days has been entered.

In view thereof, the revised patent term adjustment is 29 (268 - 239) **days.**

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 Office of Patent Publication will be notified of this decision so that the present application can be processed into 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) 272-3225.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Copy of the Revised Patent Term Adjustment

Patent Term Adjustments

PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11718829 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 11718829

Application Filing Date	05/08/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	264
A Delays	264	PTO Manual Adjustment	65
B Delays	0	Applicant Delay (APPL)	300
C Delays	0	Total PTA (days)	29

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
79	10/23/2011		P028	Adjustment of PTA Calculation by PTO	4		0
78	10/23/2011		P028	Adjustment of PTA Calculation by PTO		97	0
77	10/23/2011		P028	Adjustment of PTA Calculation by PTO	158		0
72	07/20/2011		MN/=.	Mail Notice of Allowance			0
68	07/18/2011		IREV	Issue Revision Completed			0
67	07/18/2011		DVER	Document Verification			0
66	07/18/2011		N/=.	Notice of Allowance Data Verification Completed			0
65	07/18/2011		DOCK	Case Docketed to Examiner in GAU			0
71	07/13/2011		OAR	Office Action Review			0
70	07/13/2011		OAR	Office Action Review			0
69	07/13/2011		OAR	Office Action Review			0
64	07/13/2011		EX.A	Examiner's Amendment Communication			0
63	07/13/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
62	07/13/2011		CNTA	Allowability Notice			0
61	05/18/2011		IDSC	Information Disclosure Statement considered			0
58	05/18/2011	04/26/2011	EIDS.	Electronic Information Disclosure Statement		22	54
57	05/18/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
55	05/03/2011		FWDX	Date Forwarded to Examiner			0
60	04/26/2011		IDSC	Information Disclosure Statement considered			0
56	04/26/2011		M844	Information Disclosure Statement (IDS) Filed			0
54	04/26/2011	03/03/2011	A...	Response after Non-Final Action		54	44
53	04/26/2011		XT/G	Request for Extension of Time - Granted			0
52	04/26/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
51	04/08/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
50	04/07/2011		OAR	Office Action Review			0
49	04/07/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
48	03/30/2011		PA..	Change in Power of Attorney (May Include Associate POA)			0
47	02/16/2011		C.ADB	Correspondence Address Change			0
59	02/11/2011		IDSC	Information Disclosure Statement considered			0
46	02/11/2011		M844	Information Disclosure Statement (IDS) Filed			0
45	02/11/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
44	12/03/2010	08/09/2010	MCTNF	Mail Non-Final Rejection	116		35
43	12/02/2010		CTNF	Non-Final Rejection			0
42	10/07/2010		IDSC	Information Disclosure Statement considered			0
41	10/07/2010		RCAP	Reference capture on IDS			0
40	10/07/2010		M844	Information Disclosure Statement (IDS) Filed			0
39	10/07/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
37	04/13/2010		FWDX	Date Forwarded to Examiner			0
34	04/13/2010		ABN9	Disposal for a RCE / CPA / R129			0
38	04/09/2010		M865	Letter Requesting Interview with Examiner			0
36	04/09/2010		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
35	04/09/2010	02/02/2010	RCEX	Request for Continued Examination (RCE)		66	29
33	04/09/2010		XT/G	Request for Extension of Time - Granted			0
32	04/09/2010		BRCE	Workflow - Request for RCE - Begin			0
31	02/23/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
30	02/22/2010		C.AD	Correspondence Address Change			0
29	11/02/2009		MCTFR	Mail Final Rejection (PTOL - 326)			0
28	10/29/2009		CTFR	Final Rejection			0
27	08/29/2009		FWDX	Date Forwarded to Examiner			0
26	08/29/2009	03/24/2009	A...	Response after Non-Final Action		158	23
25	06/29/2009		XT/G	Request for Extension of Time - Granted			0
23	12/24/2008	07/29/2008	MCTNF	Mail Non-Final Rejection	148		4
22	12/22/2008		CTNF	Non-Final Rejection			0
15	04/24/2008		PG-ISSUE	PG-Pub Issue Notification			0
14	03/26/2008		DOCK	Case Docketed to Examiner in GAU			0
13	03/25/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0

8	02/07/2008	OIPE	Application Dispatched from OIPE	0
7	01/17/2008	PGPC	Sent to Classification Contractor	0
6	01/15/2008	L194	Cleared by OIPE CSR	0
5	12/19/2007	C.ADB	Correspondence Address Change	0
3	08/13/2007	PGPW	Waiting LR clearance	0
2	08/13/2007	M903	Notice of DO/EO Acceptance Mailed	0
4	05/29/2007	371COMP	371 Completion Date	0
0.5	11/28/2005	NEFILE	International Filing date	0

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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Bernard Kraeutler :
Application No. 11/718,830 : ON PETITION
Filed: June 29, 2007 :
Attorney Docket No.: **GER1044US** :

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2011, 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 June 11, 2010, which set a shortened statutory period for reply of three (3) months. In view of the extension of time under the provisions of 37 CFR 1.136(a), the application became abandoned on March 25, 2010. A Notice of Abandonment was mailed on May 13, 2011. On May 24, 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 a Request for Continued Examination (RCE), including the fee of $405 and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3634 for processing of the RCE 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.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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APR 15 2011

PCT LEGAL ADMINISTRATION

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

In re Application of :
RODRIGUEZ, Cuauhtemoc :
Application No.: 11/718,879 :
PCT No.: PCT/GB2005/050197 :
Int. Filing Date: 04 November 2005 :
Priority Date: 08 November 2004 :
Docket No.: MC1-8638 :
For: POWER CONDITIONING UNIT :

DECISION

This decision is in response to applicant's submission of a declaration of the inventor in the United States Patent and Trademark Office on 21 May 2009.

The 21 May 2009 declaration satisfies the requirements of 37 CFR 1.497(a)-(b).

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven Curtis Zicker, et al.	:	
Application No. 11/718,963	:	ON PETITION
Filed: June 5, 2007	:	
Attorney Docket No.: 7449-00-HL	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for a failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 7, 2009. However, 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) 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 1655 for further processing in the normal course of business of the RCE 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/718,993	05/29/2007	Gregor Ott		3137

60333 7590 08/12/2011
EDWIN D. SCHINDLER
4 HIGH OAKS COURT
P.O. BOX 4259
HUNTINGTON, NY 11743-0777

EXAMINER
HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
3788	

MAIL DATE	DELIVERY MODE
08/12/2011	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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EDWIN D. SCHINDLER
4 HIGH OAKS COURT
P.O. BOX 4259
HUNTINGTON NY 11743-0777

In re Application of:
OTT, GREGOR
Serial No.: 11/718,993
Filed: May 29, 2007
Docket: n/a
Title: FLAT-SELF-OPENING CLOSURE FOR COMPOSITE PACKAGINGS OR FOR CONTAINER NOZZLES OR BOTTLE NECKS TO BE CLOSED BY FILM MATERIAL

DECISION ON PETITION

This is a decision on the petition filed on June 11, 2011 seeking reversal of the objection to the proposed drawing changes in the newly added of Fig. 4; added passages on pages 3 and 7 of the specification for introducing new matter into the disclosure and issuance a Notice of Allowance. The petition is being considered pursuant to 37 CFR 1.181.

The petition is **DISMISSED**.

In the petition, petitioner requests withdrawal of the examiner's objection to the drawings under 37 CFR 1.83(a) and added passage on page 6 of the specification for introducing new matter into the disclosure. In the final rejection of April 13, 2011, the examiner did not accept the newly added drawing changes of the new Fig. 4 and added passages on pages 3 and 7 of the specification filed on September 20, 2010 because the drawings contain subject matter not described in the specification such as the "bolts" as shown or the number of bolts and bolt holes as depicted and the element 21 is not attached to the cap in a pre-mounted condition as set forth in the specification at pages 3 and 7. Additionally, the examiner also held the newly amended passages on pages 3 and 7 of the specification constitute new matter because the newly added Fig. 4 does contain new matter. Petitioner believes that the new matter objections to the newly added Fig. 4 and the amended passages on pages 3 and 7 of the specification are in error and requests review and relief therefrom.

The record shows that:

1. On June 24, 2010, the examiner issued a non-final Office action and objected to the drawings under 37 CFR 1.83(a) because the drawings did not show the claimed features of the invention. The bolt(s) on the flat holding element and the associated hole(s) of the pouring nozzle flange must be shown or the feature(s) canceled from the claim(s).
2. On September. 20, 2010, the applicant filed an amendment adding new proposed drawing changes for Fig. 4 and accompanying amendments to pages 3 and 7 of the specification.
3. On December 8, 2010, the examiner issued an Ex Parte Quayle action indicating all claims are allowable except that the drawing objection remains. The examiner held that the new Fig. 4 filed on September 20, 2010 introduces new matter because there was no original disclosure to show the "bolts" as shown or the number of bolts and bolt holes as depicted. The examiner maintained drawing objection under 37 CFR 1.83(a). In particular, the bolt(s) on the flat holding element and the associated hole(s) of the pouring nozzle flange must be shown or the feature(s) canceled from the claim(s).
4. In response to the applicant's arguments filed on January 29, 2011, the examiner issued a final rejection of April 3, 2011. In the final Office action, the examiner stated that the new drawing sheet of Fig. 4 introduces new matter since there was no original disclosure to show the "bolts" as shown or the number of bolts and bolt holes as depicted and the element 21 is not attached to the cap in a pre-mounted condition as set forth in the specification at page 5.
5. On June 11, 2011, the applicant filed the instant petition requesting withdrawal of the examiner's objection to the drawings and newly amended specification on pages 3 and 7 for introducing new matter into the disclosure.

Discussion and Analysis

37 CFR 1.83(a) states:

> The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (*e.g.*, a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371 not permitted to be included in the drawings.

MPEP 608.04(a) Matter not in original specification, claims, or drawings, states:

> Matter not in the original specification, claims, or drawings is usually new matter. Depending on circumstances such as the adequacy of the original disclosure, the addition of inherent characteristics such as chemical or physical properties, a new structural formula or a new use may be new matter. See *Ex parte Vander Wal,* 109 USPQ 119, 1956 C.D. 11, 705 O.G. 5 (Bd. App. 1955) (physical properties), *Ex parte Fox*, 128 USPQ 157, 1960 C.D. 28, 761 O.G. 906 (Bd. App. 1957) (new formula) and *Ex parte Ayers,* 108 USPQ 444 (Bd. App. 1955) (new use). For rejection of claim involving new matter, see MPEP § 706.03(o).

In the petition, petitioner argues that the support can be found at page 5, lines 7-8, that ".... flange 20 has bolt-passing holes in which the bolts are tightened," and is therefore submitted to provide support for the new Fig. 4. Petitioner also argues that Fig. 4 illustrates in a "plain vanilla" manner a plurality of "bolts" and bolt-passing "holes" passing through flange 20 in a

manner that is reasonably described, if not inherent, from the disclosure at page 5 of the specification and would be so understood by those of ordinary skill in the art. Petitioner further asserts that the three bolt-passing holes shown in Fig. 4 passing through flange 20 is consistent with use of the plural term "holes," which logically implies any reasonable number of holes, and is consistent with that which is being claimed by the applicant. Petitioner opines that the examiner's concern with the language of the specification cannot serve to substantiate the rejection of the claims under the first paragraph of 35 U.S.C. Section 112. In the petition, petitioner also indicates that the examiner's position is consistent with the "reasonable description" of the claimed invention from that described by the specification.

In the final rejection of April 13, 2011, the examiner stated that the new Fig. 4 shows three "bolts" and holes filed after the original drawing objection was made. This is merely a possible arrangement. Yet, there are a great deal of other possibilities for the arrangement. There could be two bolt holes or any other number of bolts and bolt holes, rather than the three bolt holes drawn in Fig. 4 by the applicant. The examiner concluded that the illustration of three bolts and bolt holes as shown in the newly added Fig. 4 constitutes new matter.

In order to determine whether or not the drawings submitted on September 20, 2010 introduce new matter into the disclosure, we look to the original disclosure to determine if the amendments to the drawings submitted on September 20, 2010 are supported by the original specification, claims and drawings. A review of the original disclosure reveals that there is no support in the original disclosure. Paragraph 5 of the specification states "One can see the flange 20 at the pouring nozzle 3. Here on the front side of the flange 20 lies an element 21, which is locked on to the flange 20 with the help of bolts on its lower side. The flange 20 has bolt-passing holes in which the bolts are tightened." (Page 5, lines 5-8). This passage only supports that there are bolts located on the bottom of 21, it does not support the pattern of the bolts as shown in the new Fig. 4 or the number of bolts as shown in new Fig. 4. From this passage, it could be two bolts in a different pattern, five bolts in a line or staggered any number of bolts in any pattern. So, the test is, would Fig. 4 be the only way one can depict the disclosed bolts? If so, then it is not new matter but if not, new matter exists. One reading the passage cited would not conclude that there were three bolts aligned along a curve of the piece 21 to fasten piece 21 to the flange. Contrary to petitioner's contention in lines 17-20 of page 3 of the petition that "Figure 4 illustrates in a "plain vanilla" manner a plurality of "bolts" and bolt-passing "hole" passing through flange 20 in a manner that is reasonably described if not inherent, from applicant's disclosure..." the specification does not say that there are three holes aligned along an arc of portion 21 matching holes aligned along a curve along the flange 20. There is no inherency of the number or arrangement of bolts as depicted in new Fig. 4 that can be gleaned from the applicant's specification. If it was inherent, then Fig. 4 would be the only figure one could draw based on applicant's disclosure. As such, a figure using staggered hole and bolts in any number that is not three but equal to or greater than two could have been used. The original specification does not disclose such arrangement as shown in Fig. 4. Petitioner contends that the three bolt-passing holes shown in Fig. 4 passing through flange 20 are consistent with use of the plural term "holes," which implies any reasonable number of holes and is consistent with that being claimed – this is an argument that supports the fact that it was not clear that applicant was claiming three holes and those three holes were aligned as depicted in Fig. 4. It could have been any number of holes as applicant said but there is nothing that notes how those bolts and holes are arranged,

which Fig. 4 depicts a specific number and a specific arrangement. Where in the specification is there support for the specific arrangement of the bolts and holes as shown in Figure 4? It does not exist. Therefore, the examiner is correct in identifying the number of bolts and their arrangement as shown in the newly added Fig. 4 as new matter. The review of the record shows that the examiner was in compliance with proper examining practice as set forth in MPEP 608.04(a). Therefore, the proposed drawing changes submitted on September 20, 2010 do introduce new matter into the disclosure. The examiner's objection to the drawings for introducing new matter into the disclosure in accordance with 37 CFR 1.83(a) is correct. Since the drawings objection for the introduction of new matter is correct, the accompanying amendment to the specification filed on September 20, 2010 also is considered as new matter.

Conclusion

For the foregoing reasons, the relief requested by the petitioner will not be granted. Specifically, the examiner's objection to the proposed drawings in the final Office action dated April 13, 2011 for introducing new matter into the disclosure is proper. The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3788 awaiting the applicant's response to the outstanding Office action mailed on April 13, 2011. 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. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, SPE, TC 3700, at (571) 272-4856.

The petition is dismissed.

Sharon A. Gibson, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120417

DATE : April 17, 2012

TO SPE OF : ART UNIT 2473

SUBJECT : Request for Certificate of Correction on Patent No.: 8050186

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:

A change to the spelling of the residence of the inventor is requested. No new matter is introduced. No changes are made to the claims.

/KWANG B YAO/
Supervisory Patent Examiner, Art Unit 2473

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01/31/12

TO SPE OF : ART UNIT 3763

SUBJECT : Request for Certificate of Correction for Appl. No.: 11719089 Patent No.: 7887513

CofC mailroom date: 01/13/12

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
[redacted]

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: Approved - All changes apply

/Tan-Uyen Ho/

(Jackie) Tan-Uyen Ho

SPE **Art Unit 3763**

MAILED

OCT 14 2010

PCT LEGAL ADMINISTRATION

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

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

In re Application of BOHULT et al.	
Application No.: 11/719,123	: DECISION ON PETITION
PCT No.: PCT/SE05/01715	
Int. Filing: 14 November 2005	: UNDER 37 CFR 1.47(b)
Priority Date: 12 November 2004	
Attorney Docket No.: 18684US01	
For: METHOD AND SYSTEM FOR CONTROLLING GAMES OF COMBINED SKILL AND CHANCE	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 16 July 2010, to accept the application without the signatures of joint inventors Jan Bohult, Jonas Häggqvist and Johan Steene.

BACKGROUND

The procedural history of this application was set forth in the decisions mailed on 11 September 2009 and 19 May 2010 and are hereby incorporated by reference.

DISCUSSION

As previously stated, a petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner previously satisfied Items (1), (2), (3), (4) and (6).

With regard to Item (5) above, with his renewed petition, applicant provided a supplemental legal memorandum in support of the proprietary interest of ACEI AB. Together these memoranda satisfy the requirements of 37 CFR 1.47(b) and the MPEP and explain that ACEI has the proprietary interest to pursue the patents rights in this situation given Swedish law.

An English translation of the applicable Swedish law in support of the legal memorandum has now been submitted. 37 CFR 3.73(b) statement was submitted. Applicant has provided sufficient evidence to demonstrate a proprietary interest in the invention. Item (5) is satisfied.

Accordingly, Item (1)- (6) are satisfied. Accordingly, the petition under 37 CFR 1.47(b) is **GRANTED**.

CONCLUSION

The petition under 37 CFR §1.47(b) is **GRANTED.**

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(b) application using the declaration filed. The application has an international filing date of 14 November 2005 under 35 U.S.C. 363, and a date of 06 July 2009 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

MAILED

OCT 14 2010

PCT LEGAL ADMINISTRATION

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

JONAS HÄGGQVIST
FOLKSKOLGATAN 22B
117 35 STOCKHOLM
SWEDEN

In re Application of BOHULT et al.
Application No.: 11/719,123
PCT No.: PCT/SE05/01715
Int. Filing: 14 November 2005
Priority Date: 12 November 2004
Attorney Docket No.: 18684US01
For: METHOD AND SYSTEM FOR CONTROLLING GAMES OF COMBINED SKILL AND CHANCE

Dear Mr. Häggqvist:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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

MAILED

OCT 14 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JOHAN STEENE
FOLKUNGAGATAN 136
116 30 STOCKHOLM
SWEDEN

In re Application of BOHULT et al.
Application No.: 11/719,123
PCT No.: PCT/SE05/01715
Int. Filing: 14 November 2005
Priority Date: 12 November 2004
Attorney Docket No.: 18684US01
For: METHOD AND SYSTEM FOR CONTROLLING GAMES OF COMBINED SKILL AND CHANCE

Dear Mr. Steene :

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
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OCT 14 2010

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JAN BOHULT
BARNHENVÄGEN 72
16476 HÄSSELBY
SWEDEN

In re Application of BOHULT et al.
Application No.: 11/719,123
PCT No.: PCT/SE05/01715
Int. Filing: 14 November 2005
Priority Date: 12 November 2004
Attorney Docket No.: 18684US01
For: METHOD AND SYSTEM FOR CONTROLLING GAMES OF COMBINED SKILL AND CHANCE

Dear Mr. Bohult:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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Mary E. Golota
Cantor Colburn LLP
201 W. Big Beaver Road
Suite 1101
Troy MI 48084

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of
Kitamura, et al.
Application No. 11/719,142
Filed: May 11, 2007
Atty. Dkt. No.: PAT 01343/BC1-0100

: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed January 20, 2012.

The petition is **GRANTED**.

This application became abandoned July 1, 2011 for failure to timely submit a proper reply in response to the non-final Office action mailed March 31, 2011. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed October 14, 2011.

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 above-identified application has been carefully reviewed and found in compliance with the requirements set forth above.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 1717 for further processing.

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

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.
11/719,145	03/02/2009	Roland Appl	APPL 1	4532

1444 7590 11/14/2011
Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington, DC 20006

EXAMINER
CARDENAS-GARCIA, JAIME F

ART UNIT	PAPER NUMBER
3634	

MAIL DATE	DELIVERY MODE
11/14/2011	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
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NOV 14 2011

Browdy and Neimark, PLLC
1625 K Street, NW
Suite 1100
Washington DC 20006

In re Application of	:	
Roland APPL et al.	:	DECISION ON PETITION
Application No. 11/719,145	:	UNDER 37 CFR §1.181
Filed: March 2, 2009	:	
For: SYSTEM AS ATTACHMENT	:	
POSSIBILITY FOR SAFETY EQUIPMENT	:	
TO ARREST FALLS		

This is a decision on applicants' petition under 37 CFR 1.181, filed August 8, 2011 and re-filed on October 31, 2011, to withdraw the finality of the final Office action mailed July 20, 2011.

The petitions are DISMISSED.

A review of the file reveals that a non-final Office action mailed on March 28, 2011 included drawing objections, specification objections, 112 second paragraph rejections of claims 1-15 as indefinite, and a 102(b) rejection on claims 1-15.

Applicants timely filed a response on June 28, 2011 to amend claims 1, 2, 3, 6, 7, 8, 12, added new claims 16-17, and amended the specification and drawings. Subsequently, a final Office action was issued on July 20, 2011 in which the examiner rejected claim 1 as well as its dependent claims 2-15 under 112 second paragraph, in addition to an art rejection under 102(b).

Applicants allege that the finality of the Office action mailed on July 20, 2011 was premature because a new rejection under 112 second paragraph was made in the final action "based on a passage that appeared in claim 1 as originally filed and that was not mentioned in the rejection presented in the [non-final] rejection...". Applicant argues the rejection under 112 second paragraph was directed to the passage "*for safety equipments to arrest falls produced by attachment points*" which appeared in the original version of claim 1, and thus was improperly made final, and that this finality "prevents applicant from correcting the perceived informality as a matter of right".

MPEP 706.07(a) sets forth that "the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicants' amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)."

MPEP 2173.02 states that "In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope. . . If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action."

A review of the claims shows that claim 1, as originally filed, recited the attachment of safety equipments was a possibility, and thus optional. As such, examiner properly considered the limitation as optional. It is noted that in the non-final action mailed March 28, 2011, the examiner indicated in the 112 second paragraph rejection of claim 1 that "*The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.*" The examiner not only pointed to claim 1, specifically the claim language of "*A System as attachment possibility for safety equipments to arrest falls produced by attachment points or, respectively, guide lines or rails secured by a weighting load*" as being indefinite because it is not clear if applicant is claiming attachment points, guide lines or rails, he also provided five other non-limiting examples of indefiniteness with respect to claim 1.

A review of the amendment filed on June 28, 2011 shows that claim 1 was amended to delete the word '*possibility*' and change the phrase "*as attachment possibility*" immediately preceding the unamended claim language quoted by applicant. After the amendment on June 28, 2011, the attachment of safety equipments is now positively recited. The amended language renders the scope of the amended claims 1-9 and 12-15, and new claims 16-17, distinct from the originally filed claims 1-15 as the system now positively provides attachment for safety equipments. In considering claim 1 in its entirety in the 112 rejection, the examiner's action is clearly in compliance with MPEP 2173.02 set forth above. To merely review the passage "*for safety equipments to arrest falls produced by attachment points*" for compliance with 35 USC 112 second paragraph as suggested by applicant, without considering the context of claim 1, would be improper as per MPEP 2173.02. It is clear that applicants' amendment necessitates the 112 rejection presented in the final Office action. Therefore, the finality of the Office action mailed on July 20, 2011 was proper and hereby maintained.

Any questions or comments with respect to this decision should be forwarded to Supervisory Patent Examiner Katherine Mitchell at (571) 272-7069.

Kathy Matecki

Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

km/kwm: 10/18/11

LM

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/27/11

TO SPE OF : ART UNIT 3743

SUBJECT : Request for Certificate of Correction for Appl. No.: 11719158 Patent No.: 7937851

CofC mailroom date: 09/23/11

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

Note: –

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: CORRECTIONS ARE MORE THAN A TYPOGRAPHICAL ERROR. Pressure Levels ARE BEING CHANGED AND

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

FLOW/PIPING DIAGRAM CHANGED REGARDING TANK 82/88 + PRESOAK CONVEYOR.

K. B. Z 9/28/11

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

Date Mailed : 09/28/11

Patent No. : 7937851 B2
Patent Issued : **May 10, 2011**
Docket No. : **35548-41**

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 09/23/11; 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.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

DICKINSON WRIGHT PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON DC 20006

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/27/11

TO SPE OF : ART UNIT 3743

SUBJECT : Request for Certificate of Correction for Appl. No.: 11719158 Patent No.: 7937851

CofC mailroom date: 09/23/11

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

Note: _

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: CORRECTIONS ARE MORE THAN A TYPOGRAPHICAL ERROR. Pressure Levels ARE BEING CHANGED AND

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

FLOW/PIPING DIAGRAM CHANGED REGARDING TANK 82/88 + PRESOAK CONVEYOR.

K. B. Z 9/28/11

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/08/12

TO SPE OF : ART UNIT 3743

SUBJECT : Request for Certificate of Correction for Appl. No.: 11719158 Patent No.: 7937851

CofC mailroom date: 02/24/12

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 be made?**

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: _____

_____

_____

_____

_____

K.B. [signature] 3743

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

Mary E. Golota
Cantor Colburn LLP
201 W. Big Beaver Road
Suite 1101
Troy MI 48084

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Austrup et al.	:	
Application No. 11/719236	:	ON PETITION
Filing or 371(c) Date: 05/14/2007	:	
Attorney Docket Number:	:	
PAT-01224/BC1-0108	:	

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2012.

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 October 8, 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). Applicant filed a Notice of Appeal and an Extension of Time request and fee, on February 9, 2010; however, the appeal brief was not filed within the time designated in 37 CFR 41.37. Accordingly, the appeal stood dismissed. A Notice of Abandonment was mailed February 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 a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1762 for withdrawal of the appeal and 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.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Hiroshi Abe	:	
Application No. 11/719,241	:	DECISION GRANTING PETITION
Filed: May 14, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 09792909-7007	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 14, 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 11, 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 2624 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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EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Annick Morin	:	
Application No. 11/719,282	:	DECISION ON PETITION
Filed: July 30, 2007	:	
Attorney Docket No. 1429-220	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, April 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 July 3, 2010. A Notice of Abandonment was mailed on November 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 RCE (Request for Continued Examination, with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE 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 3742 for appropriate action by the Examiner in the normal course of business on the reply received June 20, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

2 3 SEP 2010

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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Philips Intellectual Property & Standards
P. O. Box 3001
Briarcliff Manor, NY 10510

In re Application of
KOSCHEK, Andrew G. :
U.S. Application No. 11/719,302 :
PCT No.: PCT/IB2005/053620 :
Int. Filing Date: 04 November 2005 :
Priority Date: 15 November 2004 :
Attorney Docket No.: PHUS040478US2 :
For: AMBULATORY MEDICAL TELEMETRY DEVICE HAVING AN AUDIO INDICATOR :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 03 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (declaration) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The petition fee has been charged to Deposit Account no. 14-1270.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

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SEP 07 2010

OFFICE OF PETITIONS

In re Application of
Stengl, et al.
Application No. 11/719,320
Filed: 15 May, 2007
Attorney Docket No. IMSN-109US

DECISION

This is a decision on the petition filed on 22 January, 2010, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

> **NOTE**: In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

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 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]

[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).

Application No. 11/719,320

The instant application is released to IFW storage in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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0 4 AUG 2010

Frost Brown Todd, LLC
2200 PNC Center
201 E. Fifth Street
Cincinnati OH 45202

In re Application of: ANDERSSON et al. U.S. Application No.: 11/719,351 PCT No.: PCT/US2004/038992 International Filing Date: 19 November 2004 Priority Date: None Attorney's Docket No.: 100024/0550414 For: METHOD AND APPARATUS FOR CONTROL OF A NETWORK IN HVAC AND OTHER APPLICATIONS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 29 June 2010 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (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;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2) - (4) have been satisfied.

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). The declaration submitted on 29 June 2010 is not in compliance with 37 CFR 1.497(a)(3) which requires that the oath or declaration identify the inventor and country of citizenship of the inventor. In this case, the first inventor (Jan Olof Andersson) has listed his citizenship as "U.S. Resident Alien."[1] Since the declaration does not properly identify the citizenship of the inventor, it

[1]Where an applicant is not a citizen of any country, a statement to this effect is accepted as satisfying the statutory requirement, but a statement as to citizenship applied for or first papers taken out looking to future citizenship in this (or any other) country does not meet the requirement. (See 35 U.S.C. 115 and section 605.01 of the Manual of Patent Examining Procedure.)

is considered defective under 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1).

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 04 2011

PCT LEGAL ADMINISTRATION

Frost Brown Todd, LLC
2200 PNC Center
201 E. Fifth Street
Cincinnati OH 45202

In re Application of:
ANDERSSON et al.
U.S. Application No.: 11/719,351
PCT No.: PCT/US2004/038992
International Filing Date: 19 November 2004
Priority Date: None
Attorney's Docket No.: 100024/0550414
For: METHOD AND APPARATUS FOR CONTROL OF A NETWORK IN HVAC AND OTHER APPLICATIONS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (declaration of inventorship) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

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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26874
FROST BROWN TODD, LLC
2200 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202

MAILED
FEB 23 2011
PCT LEGAL ADMINISTRATION

In re Application of
ANDERSSON *et al*
U.S. Application No.: 11/719,365
PCT No.: PCT/US2004/042931
Int. Filing Date: 17 December 2004
Priority Date: 19 November 2004
Attorney Docket No.: 0100024/055475
For: METHOD AND APPARATUS FOR A HUB IN DAISY CHAIN CONFIGURATION

DECISION

This decision is in response to the papers filed 15 December 2010 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 09 March 2010, a decision vacating the Form PCT/DO/EO/916 mailed 05 November 2009 was mailed. Applicants were requested to provide a new declaration signed by co-inventor, Jason John LEMON within one month.

On 02 April 2010, a new declaration executed by Mr. LEMON was provided.

On 15 December 2010, applicants filed the subject response which was accompanied by, *inter alia*, a new declaration.

DISCUSSION

In the response filed 15 December 2010, applicants state that the declaration signed by the first named inventor indicated his citizenship as "US Resident Alien." Applicants provided a new declaration.

A review of the original declaration filed 11 November 2009 shows that the citizenship of Jan Olof ANDERSSON was listed as "US" and he wrote "Resident Alien" in the citizenship box next to the "US." This is not in compliance with 37 CFR 1.497(a)(3) as it does not list the citizenship of the inventor. Applicants were not previously notified of this defect.

With the subject response, applicants submitted a declaration executed by all the

inventors. The citizenship of Mr. ANDERSSON was listed as SE and US. All changes in the declaration were initialed. This is acceptable.

The declaration filed 15 December 2010 is in compliance with 37 CFR 1.497(a) and (b).

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing including mailing a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) listing a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements of 15 December 2010.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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McLELAND PATENT LAW OFFICE, P.L.L.C.
11320 RANDOM HILLS ROAD
SUITE 250
FAIRFAX, VA 22030

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of :
Bernard Martel, et. al. :
Application No. 11/719,386 :
Filed: August 27, 2007 :
Attorney Docket No. MBL-009 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2010, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on March 5, 2010. A Notice of Abandonment was mailed September 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 $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $555 for a three months extension of time filed on September 8, 2010. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $555 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and 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.

This application file is being referred to Technology Center Art Unit 1628 for review of the amendment filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 04 2011

PCT LEGAL ADMINISTRATION

ELECTRO SCIENTIFIC INDUSTRIES/STOEL RIVES, LLP
900 SW FIFTH AVE.
SUITE 2600
PORTLAND OR 97204-1268

In re Application of :
TYLER, Michael, et al. :
Application No.: 11/719,390 :
PCT No.: PCT/US2005/041218 :
Int. Filing Date: 14 November 2005 : DECISION
Priority Date: 15 November 2004 :
Att. Docket No.: 50001/130:2 :
For: TRACKING AND MARKING :
SPECIMENS HAVING DEFECTS :
FORMED DURING LASER VIA :
DRILLING :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 08 March 2011, is **GRANTED**.

Applicant states 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, as required by 37 CFR 1.137(b)(3). The proper reply and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The declaration complies with 37 CFR 1.497(a)-(b).

This application is being referred to the national phase processing branch of the Office of Patent Application processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11719515
Filing Date	18-Sep-2007
First Named Inventor	Teemu Ikonen
Art Unit	2478
Examiner Name	SULAIMAN NOORISTANY
Attorney Docket Number	0718US-FIRSTHOP
Title	PROCESSING OF MESSAGES TO BE TRANSMITTED OVER COMMUNICATION NETWORKS

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.
- [x] 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	/Shalom Wertsberger/
Name	Shalom Wertsberger
Registration Number	43359

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 29, 2012

In re Application of :

Teemu Ikonen

Application No : 11719515

Filed : 18-Sep-2007

Attorney Docket No : 0718US-FIRSTHOP

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 29, 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

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11719582
Filing Date	16-Feb-2009
First Named Inventor	Jose Remacle
Art Unit	1637
Examiner Name	CYNTHIA WILDER
Attorney Docket Number	KLAUS2.015APC
Title	REAL-TIME PCR OF TARGETS ON A MICRO-ARRAY

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	/Raymond D. Smith/
Name	Raymond D. Smith
Registration Number	55634

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 23, 2012

In re Application of :

Jose Remacle

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11719582

Filed : 16-Feb-2009

Attorney Docket No : KLAUS2.015APC

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 23, 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 1637 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Dow Chemical Company
P.O. BOX 1967
2040 Dow Center
Midland MI 48641

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of
Selim BENSASON et al.
Application No. 11/719,604
Filed: May 17, 2007
Atty. Docket No.: 64029A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed May 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the final Office action mailed October 19, 2010, which set a shortened statutory period for reply of three (3) months. No reply was received, and no extensions of time under the provisions of 37 CFR 1.136(a) were received. The application went abandoned on January 20, 2011. A Notice of Abandonment was mailed April 28, 2011.

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 final Office action mailed October 19, 2010 is accepted as having been unintentionally delayed.

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

The application file will be referred to Technology Center Art Unit 1763 for further action on the filed Response.

Anthony Knight
Director
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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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD.
PHILADELPHIA, PA 19103

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of
Frampton Erroll Ellis
Application No. 11/719,637
Filed: May 17, 2007
Attorney Docket No. FELL-506US

: DECISION ON PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 23, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from sole inventor, Frampton Erroll Ellis, that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 3765 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Patent No. 7,972,596
Wu et al.
Issue Date: July 5, 2011
Application No. 11/719,677
Filed: October 6, 2009
Attorney Docket No. X-18532
Title: ANTIBODIES AGAINST VASCULAR ENDOTHELIAL GROWTH FACTOR RECEPTOR-1

: DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 30, 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 three hundred fifty-eight (358) days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated.

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 zero **(0)** days is **GRANTED.**

Patentees contend an entitlement to 413 days not 47 days under 37 CFR 1.702(b). In addition patentees indicate a reduction of 46 days of applicant delay is required for the abandonment of the application pursuant to 37 CFR 1.704 (c)(3).

Patentees' argument that an adjustment of 413 days is warranted pursuant to 37 CFR 1.702(b) is convincing. The period of adjustment to which the patent is entitled under 37 CFR 1.702(b) is 413 days (May 19, 2010 to July 5, 2011). The calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of May 18, 2007.

Patentees' argument that a reduction of 46 days has been considered but not deemed persuasive. A review of the application history shows a reduction of 693 days, is warranted for the abandonment of the application pursuant to 37 CFR § 1.704(c)(3)(i).

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:
>
> (3) Abandonment of the application or late payment of the issue fee, 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 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.

In this instance the application was held abandoned for the failure to submit the full U.S. Basic National Fee by 30 months pursuant to 37 CFR 1.495(b)(2). A grantable petition under 37 CFR 1.137(b) was filed on March 13, 2009 and granted on April 10, 2009.

In accordance with 37 CFR 1.704(c)(3), the adjustment is properly reduced by 693 days. The period of reduction commenced May 19, 2007, the date of abandonment, and ended April 10, 2009, the date of mailing of the decision reviving the application. *See*, 37 CFR 1.704(c)(3)(i).

As such applicants' delay total 703 (693 + 9) 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 § 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 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 **zero (0)** days.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

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

Charlema Grant

Charlema Grant
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,972,596 B2

DATED : July 5, 2011 **DRAFT**

INVENTOR(S) : Wu 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 38 days

Delete the phrase "by 38 days" and insert – by 0 days--

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DICKINSON WRIGHT PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON DC 20006

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Application of	:
Boscariol	: DECISION ON PETITION
Application No. 11/719,758	:
Filed: May 21, 2007	:
Atty. Dkt. No.: 40987-1	:

This decision is in response to the petition under 37 CFR 1.137(b), filed November 22, 2011.

The petition is **GRANTED**.

The application became abandoned February 5, 2011 for failure to timely submit a proper reply to the non-final Office action mailed August 4, 2010. 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 required reply in the form of a continuing application under 37 CFR 1.53(b); (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 13/301,868.

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

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.
11/719,817	05/21/2007	Hiroe Fuchigami	308816US0PCT	1667

22850 7590 11/05/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
LE, HOA VAN

ART UNIT	PAPER NUMBER
1721	

NOTIFICATION DATE	DELIVERY MODE
11/05/2010	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

wk

Mailed:
In re application of
Fuchigami
Serial No. 11/719,817
Filed: May 21, 2007
For:

NOV 05 2010

DECISION ON PETITION

This is a response to Applicant's Petition under 37 CFR 1.181 to have the Examiner's objection to the amendment filed July 17, 2007 be withdrawn. The Examiner found that replacing the term "titanium" with "metal" and replacing the term "solution" with "container" introduced new matter into the disclosure and required that the new matter be canceled.

Applicant points to original claim 1 as well as the specification at page 5, line 17 to support the term "metal". Applicant further points out in the specification at page 40, lines 14 and 17 and at page 41, line 16 as support of the change from "solution" to "container".

DECISION

The Petition is **GRANTED**.

The Examiner is directed to withdraw the new matter objections.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Harris A. Pitlick
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11719819
Filing Date	02-Dec-2008
First Named Inventor	Takehisa Matsuda
Art Unit	3738
Examiner Name	MATTHEW SCHALL
Attorney Docket Number	3620-P04314US00/KDR
Title	BIOFILM FORMATION INHIBITOR AND TREATMENT DEVICE THEREOF

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	/Robert C. Netter, Jr./
Name	Robert C. Netter, Jr.
Registration Number	56422

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 23, 2012

In re Application of :

Takehisa Matsuda

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11719819

Filed : 02-Dec-2008

Attorney Docket No : 3620-P04314US00/KDR

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 23, 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 3738 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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MAILED
JUN 07 2011
OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Abe, et al. :
Application No. 11/719,863 : DECISION ON PETITION
Filed: May 22, 2007 :
Atty. Dkt. No.: 308931US0PCT :

This is a decision on the petition filed November 17, 2010, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed April 9, 2010 be withdrawn and replaced with the terminal disclaimer filed herewith. The required $400.00 petition fee has been charged to the authorized deposit account.

Petitioner asserts that the terminal disclaimer filed April 9, 2010 correctly disclaimed over U.S. App. No. 11/720,197. Petitioner further asserts that wherein applicant intended disclaim over U.S. App. No. 11/597,657, applicant incorrectly disclaimed over U.S. App. No. 11/579,657.

Petitioner requests that the terminal disclaimer filed November 17, 2010 be entered into the record that that the terminal disclaimer filed April 9, 2010 be voided from the record.

The petition is DISMISSED to the extent that the terminal disclaimer filed November 17, 2010 will be placed in the record but the terminal disclaimer filed April 9, 2010 will not be removed/voided from the record as requested.

The USPTO will not withdraw a terminal disclaimer after a patent issues. This includes situations where there is an obvious error in the terminal disclaimer, but no ambiguity exists on the face of the Patent.

The relief a patentee is entitled to is that upon request, the USPTO will accept the new terminal disclaimer and record it as well. Accordingly the Terminal Disclaimer filed November 17, 2010 has been made of record.

Therefore, both the April 9, 2010 and November 17, 2010 terminal disclaimers have been recorded.

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

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

Decision Date : October 17,2011

In re Application of :

Brian Merry

Application No : 11719892

Filed : 22-May-2007

Attorney Docket No : 67097-207PUS1;PA08511140U

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed October 17,2011 , 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 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.

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 Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11719892
Filing Date	22-May-2007
First Named Inventor	Brian Merry
Art Unit	3745
Examiner Name	DWAYNE WHITE
Attorney Docket Number	67097-207PUS1;PA08511140U
Title	COUNTER-ROTATING COMPRESSOR CASE AND ASSEMBLY METHOD FOR TIP TURBINE ENGINE

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.
- [x] 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 E Carlson/
Name	John E Carlson
Registration Number	37794

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

MCDONNELL BOEHNEN HULBERT &
BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application	:	
Ottow, et al.	:	
Application No. 11/719,942	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: July 27, 2007	:	
Attorney Docket Number: 66611.14	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed August 18, 2010. This matter is being properly treated under 37 CFR 1.705(b).

The request for reconsideration of patent term adjustment is **DISMISSED**.

The Determination of Patent Term Adjustment mailed May 27, 2010 indicates a patent term adjustment of 433 days. Applicants contest the reduction of 39 days in connection with the supplemental reply filed April 20, 2010. Applicants argue that the supplemental reply was submitted at the express request of the examiner. Applicants further request that the patent term adjustment "be changed from 433 days, as indicated on the determination mailed with the Notice of Allowance, to 372 days." Applicants presumably assert entitlement to a patent term adjustment of 472 days.

Applicants' arguments have been carefully considered, but are not found persuasive. A review of the record has not revealed support for the argument that the reply filed April 20, 2010 was submitted at the express request of the examiner. Accordingly, the reduction of 39 days pursuant to 37 CFR 1.704(c)(8) will not be removed

In view thereof, no adjustment to the patent term of 433 days will be made

The $200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **01/30/12**

TO SPE OF : ART UNIT: **2611 Attn: LIU SHUWANG (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/720024** Patent No.: **8081677**

CofC mailroom date: **01/10/2012**

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 Claim 4**
For the requested change , Should this amended claim be amended again or not

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: The correction is approved.

Shuwang Liu — **SPE**

2611 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/10/11

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11720178 Patent No.: 7817023

CofC mailroom date: 05/03/11

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/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: Error in Col. 19 citation. Conversation w/ attorney that the applicant will re-file the coc correcting the error.

DANIEL WU
SUPERVISORY PATENT EXAMINER

PTOL-306 (REV. 7/03)

AU 2612

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/10/11

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11720178 Patent No.: 7817023

CofC mailroom date: ~~05/03/11~~ 07/11/2011

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
[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: OK to enter

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DANIEL WU
SUPERVISORY PATENT EXAMINER

SPE

Art Unit 2612

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,892,827	: DECISION ON
Matschiner, et al.	: REQUEST FOR RECONSIDERATION
Application No. 11/720,234	: of PATENT TERM ADJUSTMENT
Issue Date: February 22, 2011	: and
Filed: April 28, 2008	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 029029-0112	: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT UNDER 37 CFR §1.705(d)", filed March 10, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from three hundred fifty (350) days to four hundred sixty-two (462) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED.**

On February 22, 2011, the instant application matured into U.S. Patent No. 7,892,827 with a patent term adjustment of three hundred fifty (350) days. The Office determined a patent term adjustment of 350 days based upon 235 days of Office delay pursuant to 37 CFR 1.703(a)(1) and 269 days pursuant to 37 CFR 1.703(b), reduced by 31 days of Applicant delay pursuant to 37 CFR 1.704(b) and 123 days pursuant to 37 CFR 1.704(c)(10).

Patentees are correct that the proper amount of days over 36 months from the filing date of the application until the issue date was not included in the "B" delay period. Commencement began on May 26, 2007 (i.e. 30 months from the priority date of November 26, 2004). Accordingly, the over three year period began on May 27, 2010 and ended on February 22, 2011 (the patent issue date), and is 272 days. See 35 U.S.C. 154(b)(1)(B)(i). Therefore, the "B" delay period is 272 days, not 269 days as originally calculated.

In addition, Patentees are correct that they were erroneously assessed too many days of Applicant delay under 37 CFR 1.704(c)(10). Applicants had two separate instances of Rule 704(c)(10) deductions. In the first instance, the Office mailed a Notice to File Corrected Application Papers on October 21, 2010. Applicants replied by filing a Rule 312 Amendment on November 4, 2010, to which the Office responded by mailing a Response to Rule 312 Communication on November 15, 2010. Accordingly, pursuant to 37 CFR 1.704(c)(10), twelve (12) days of applicant delay should have been assessed for this filing. In the second instance, the Office mailed another Notice to File Corrected Application Papers on January 7, 2011. Applicants filed their reply on January 18, 2011, to which the Office responded on January 19, 2011. As such, two (2) days of applicant delay should have been assessed under 37 CFR 1.704(c)(10).

In view thereof, the correct number of days of patent term adjustment is **four hundred sixty-two (462)** days (235 days of "A" delay and 272 days of "B" delay, reduced by 45 (31+12+2) days of Applicant delay).

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 **four hundred sixty-two (462) days.**

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,892,827 B2

DATED : **February 22, 2011**

INVENTOR(S) : Matschiner 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 350 days.

Delete the phrase "by 350 days" and insert – by 462 days--

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	11720247
Filing Date	16-Oct-2007
First Named Inventor	Erez Kalman
Art Unit	2433
Examiner Name	VIVEK SRIVASTAVA
Attorney Docket Number	040990/329251
Title	Method For Authenticating A Website

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 00826

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ 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

☒ 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

☒ 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	The Wow Effect Ltd. c/o Yigal Melamed Law Office
Address	PO Box 34477
City	Jerusalem
State	
Postal Code	91344
Country	IL

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Adam Kaplan/
Name	Adam Kaplan
Registration Number	59109

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 13,2011

In re Application of :

Erez Kalman

Application No : 11720247

Filed : 16-Oct-2007

Attorney Docket No : 040990/329251

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 13,2011

The request is **APPROVED.**

The request was signed by Adam Kaplan (registration no. 59109) on behalf of all attorneys/agents associated with Customer Number 00826 . All attorneys/agents associated with Cusotmer Number 00826 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 correspondence address:

Name	The Wow Effect Ltd.
Name2	c/o Yigal Melamed Law Office
Address 1	PO Box 34477
Address 2	
City	Jerusalem
State	
Postal Code	91344
Country	IL

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

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

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

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of	:	
EREZ KALMAN	:	
Application No. 11/720,247	:	DECISION ON PETITION
Filed: October 16, 2007	:	TO WITHDRAW
Attorney Docket No. **040990/329251**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed October 3, 2011.

A review of the record discloses that a decision was mailed October 13, 2011, which **APPROVED** the Request to Withdraw as attorney or agent of record filed October 13, 2011. Therefore, the request is **NOT APPROVED AS 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
Petitions Examiner
Office of Petitions

cc: The Wow Effect Ltd.
c/o Yigal Melamed Law Office
PO Box 34477
Jerusalem 91344 IL ISRAEL

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Commissioner for Patents
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APR 19 2012

OFFICE OF PETITIONS

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

In re Application of
Rajiv Jalan et al.
Application No. 11/720,268
Filed: October 3, 2007
Attorney Docket No. OCERA.028NP

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT 37 C.F.R. § 1.705(b)" filed March 6, 2012. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 0 days to 557 days.

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

On December 7, 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 is 0 days. The instant application for patent term adjustment was timely filed[1]. Applicants dispute the reduction of 21 days of PTA pursuant to 1.704(c)(8) for the filing of a supplemental information disclosure statement on July 30, 2009.

A review of the record reveals that on February 12, 2010 applicants filed a response, in the form of a Request for Continued Examination (RCE), to the Final Office Action mailed November 9, 2010. At the same time, on February 12, 2010, an Information Disclosure Statement (IDS). was also filed. Then on March 8, 2010, April 29, 2010 and November 10, 2011, applicants filed Supplemental Information Disclosure Statements

Applicant's arguments have been considered, but not found to be persuasive. Pursuant to 37 CFR § 1.704(c)(8), 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, is a failure to engage in reasonable efforts to conclude prosecution.

In this instance, the filing of the Supplemental Information Disclosure Statement on November 10, 2011, after the mailing of a response on February 12, 2010 is considered a failure to engage under 1.704(c)(8). The record does not support a conclusion that the IDS was expressly requested by the examiner and neither did the IDS include a proper 1.704(d) statement.

---

[1] PALM records indicate that the Issue Fee was also received on March 6, 2012.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 0 days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application 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 Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/720,284	09/03/2007	Antony Rodney Berry	9950-0005	6567

91029 7590 01/04/2011
CANAANLAW, P.C.
538 9th Avenue
Menlo Park, CA 94025

EXAMINER
THOMAS, TIMOTHY P

ART UNIT	PAPER NUMBER
1628	

NOTIFICATION DATE	DELIVERY MODE
01/04/2011	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):

karen@canaanlaw.com
docketing@facetsip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 0 4 2011

Karen Canaan
CANAANLAW, P.C.
538 9th Avenue
Menlo Park CA 94025

In re Application of	:
Barry et al	:
Serial No.: 11/720,284	:Decision on Petition
Filed: 30 September 2007	:
Attorney Docket No.: 9950-0005	:

This letter is in response to the Petition filed under 37 C.F.R. 1.144 and 1.181 filed on 30 August 2010 requesting rejoinder of claims. This petition was only recently forwarded to the deciding official. The resulting delay in this decision is regretted.

BACKGROUND

On 25 June 2009, the examiner mailed a 12-way restriction requirement which included several election of species requirements

On 25 September 2009, Applicants elected Group II, and a series of required species, with traverse.

On 3 December 2009, in the first Office action on the merits, the examiner considered the traversal and made the restriction requirement final. The elected claims were examined and non-elected claims withdrawn from consideration.

On 30 June 2010, in a final Office action on the merits, the examiner rejected the amended claims under 35 U.S.C. 112, first paragraph (written description and enablement) and under 102 and 103, all in view of the amendment to add the phrase begining "or a derivative thereof" to the claims.

On 30 August 2010, applicants filed an after final amendment which removed the "or derivative thereof" clause from the claims. Applicants also filed this petition.

DISCUSSION

The petition and file history have been carefully considered.

Applicant is seeking rejoinder of dependent claims 136, 155-156 and 166-167 which require all the limitations of independent claims 151 or 157.

The independent and dependent claims are in the same category of invention: all are process claims.

In this instance, MPEP 821.04(a) states

> Where restriction was required between independent or distinct products, or between independent or distinct processes, and all claims directed to an elected invention are allowable, any restriction requirement between the elected invention and any nonelected invention that depends from or otherwise requires all the limitations of an allowable claim should be withdrawn. For example, a requirement for restriction should be withdrawn when a generic claim, linking claim, or subcombination claim is allowable and any previously withdrawn claim depends from or otherwise requires all the limitations thereof. Claims that require all the limitations of an allowable claim will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104. Claims that do not require all the limitations of an allowable claim remain withdrawn from consideration. However, in view of the withdrawal of the restriction requirement, if any claim presented in a continuing application includes all the limitations of a claim that is allowable in the parent application, such claim may be subject to a double patenting rejection over the claims of the parent application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See In re Ziegler, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

DECISION

The petition is **GRANTED** for the reasons set forth above.

The application will be forwarded to the examiner for consideration of the papers filed 30 August 2010 and for the preparation of an Office action consistent with this decision. Specifically, should the after-final amendment place independent claims 151 and 157 in condition for allowance, than dependent claims which require all the limitations of the allowable claims would be rejoined and examined per MPEP 821.04(a).

If upon consideration, the after-final amendment does not place the claims in condition for allowance, finality will be withdrawn and the examiner will set forth new grounds of rejection in a new Office action on the elected claims.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

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YORAM TSIVION
P.O. BOX 1307
PARDES HANNA 37111 IL ISRAEL

MAILED

NOV 22 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Mamet, et al. :
Application No. 11/720,336 :
Filed: May 29, 2007 :
Attorney Docket No. 54.13 07 07 NP/US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 15, 2010, 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.

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition has not been executed by each inventor named in the application. Accordingly, treatment on the merits of the petition under 37 CFR 1.137(b) is not forthcoming.

Any request for reconsideration must be accompanied by a petition properly executed in accordance with 37 CFR 1.33(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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 23 2011

OFFICE OF PETITIONS

YORAM TSIVION
P.O. BOX 1307
PARDES HANNA 37111 IL ISRAEL

In re Application of
Mamet, et al.
Application No. 11/720,336
Filed: May 29, 2007
Attorney Docket No. 54.13 07 07 NP/US

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2010, 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.

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition has not been properly executed by inventor Chachamian. Accordingly, treatment on the merits of the petition under 37 CFR 1.137(b) is not forthcoming.

Any request for reconsideration must be accompanied by a petition properly executed in accordance with 37 CFR 1.33(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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

MAR 29 2011

PCT LEGAL ADMINISTRATION

SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO NC 27409

In re Application of	:	
CHOW et al.	:	
Application No.: 11/720,439	:	DECISION
PCT No.: PCT/US2005/042679	:	
Int. Filing Date: 23 November 2005	:	
Priority Date: 30 November 2004	:	
Attorney's Docket No.: 70571	:	
For: PROCESS AND COMPOSITION FOR	:	
COATING PROPAGATION MATERIAL	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.137(b) filed 26 January 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 November 2005, applicant filed international application PCT/US2005/042679, which designated the U.S. and claimed a priority date of 30 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 08 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 May 2007.

On 30 May 2007, applicant filed a submission for entry into the national stage in the United States which included, *inter alia*, the U.S. Basic National Fee.

On 10 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 22 December 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 10 April 2008 within the time period set therein.

On 26 January 2011, applicant filed the instant petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a declaration of the inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the declaration of the inventors filed 26 January 2011 is in compliance with 37 CFR 1.497(a)-(b).

As to item (2), applicant submitted the petition fee on 26 January 2011.

As to item (3), the required statement has been provided. The above-identified application has been abandoned for an extended period of time. The USPTO is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. 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 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the USPTO).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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

6/29/2011

Patent No. :7916732
Ser. No. :11720496
Inventor(s) :Dehn
Issued :3/29/2011
Title :SANDWHICHED ARTICLE FOR ENHANCEMENT OF A VEHICLE
Docket No. :

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 mater, 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: (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.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

Eric B. Meyertons, Esq.
MEYEERTONS HOOD KIVLIN KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398

HR

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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Waters Technologies Corporation
34 MAPLE STREET - LG
MILFORD MA 01757

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert Harold Bateman, et al.	:	
Application No. 11/720,520	:	DECISION ON PETITION
Filed: November 1, 2007	:	
Attorney Docket No. M-1395-02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 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 November 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 February 3, 2011. The Notice of Abandonment was mailed May 6, 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.

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

This application is being referred to Technology Center AU 2881 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

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.
11/720,581	12/05/2007	Kanji Onodera	1007-001 NATL (194061)	1532

7590 01/19/2011

ANDREWS KURTH LLP
1350 I STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005

EXAMINER
LEE, EDMUND H

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
01/19/2011	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

FORM PTOM327-5 (Rev. 02/08)

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

January 14, 2011

ANDREWS KURTH LLP
1350 I STREET, N.W.
SUITE 1100
WASHINGTON DC 20005

In re Application of	:	
Kanji Onodera et al.	:	**DECISION ON PETITION**
Application No. 11720581	:	
Filed: 12/5/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1007-001 NATL (194061)	:	***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 5, 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.

/Don Fairchild/
Office of Data Management
Publications Branch

2 0 SEP 2010

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Alexandria, VA 22313-1450
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Robert PEARCE
32 BRYMPTON AVENUE
PARK ORCHARDS
VICTORIA 3114
AUSTRALIA

In re Application of	:	
Pearce	:	
Application No.: 11/720,606	:	
PCT No.: PCT/AU2005/001955	:	
Int. Filing Date: 23 December 2005	:	DECISION
Priority Date: 23 December 2004	:	
Attorney Docket No.: N/A	:	
For: Convertible Trailer	:	

This is in response to the petition to withdraw the holding of abandonment, filed on 11 June 2010.

BACKGROUND

International application PCT/AU2005/001955 was filed on 23 December 2005, claimed an earlier priority date of 23 December 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 29 June 2006. The period for payment of the basic national fee in the United States expired as of midnight on 25 June 2007 (since 23 June 2007 was a Saturday). Applicant filed *inter alia* the basic national fee on 01 June 2007.

On 30 July 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring $215.00 toward the search fee, $110.00 toward the examination fee, an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the $65.00 surcharge under 37 CFR 1.492(h).

On 21 April 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this international application had become abandoned with respect to the national phase in the United States for failure to timely reply to the Notification of Missing Requirements.

On 02 June 2010, a Communication was mailed to applicant, in response to email correspondence sent by applicant on 15 May 2010. Applicant was advised that "The email submission on 15 May 2010 is not a proper request for withdraw of the application from abandonment," and suggested the filing of a formal petition under 37 CFR 1.181.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment on the basis that "I did respond, by fax," and states further that "The response, dated September 24 2009, was indicated by the fax Transmission Record as having been received successfully." Applicant's attention is directed toward 37 CFR 1.8(b), which provides that

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 or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), 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 that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. 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. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

In the instant case, 37 CFR 1.8(b)(1) has been satisfied.

With respect to 37 CFR 1.8(b)(2), petitioner states the "on 24 September 2009 I faxed the 3 pages of 37 CFR 1.63 and the 1 page Credit Card Payment Form that I have included with this fax." Review of the papers filed on 11 June 2010 reveals that a three-page Declaration (37 CFR 1.63) was provided. The record also shows that applicant paid the required fees (via credit card) on 16 May 2010. The records maintained by the Office of Finance indicate that a copy of the credit card authorization form (Form PTO-2038) also was received on 11 June 2010. Thus, an "additional copy" of the correspondence has been filed. However, inspection of the materials provided suggests that no certificate of transmission under 37 CFR 1.8(a)(1)(ii) was included thereon. Therefore, it would **not** be appropriate at this time to conclude that the requirements of 37 CFR 1.8(b)(2) have been satisfied.

Regarding 37 CFR 1.8(b)(3), petitioner states that "I did respond, by fax, to the Notification of Missing Requirements advice I received dated July 30 2009," by facsimile transmission of the "3 pages of 37 CFR 1.63 and the 1 page Credit Card Payment Form that I have included with this fax."

DECISION

The petition is **DISMISSED**, without prejudice, for the reasons described above.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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

MAILED

JAN 27 2011

PCT LEGAL ADMINISTRATION

Robert PEARCE
32 BRYMPTON AVENUE
PARK ORCHARDS
VICTORIA 3114
AUSTRALIA

In re Application of	:	
Pearce	:	
Application No.: 11/720,606	:	
PCT No.: PCT/AU2005/001955	:	
Int. Filing Date: 23 December 2005	:	DECISION
Priority Date: 23 December 2004	:	
Attorney Docket No.: N/A	:	
For: Convertible Trailer	:	

This is in response to the renewed petition to withdraw the holding of abandonment, filed on 16 November 2010.

DISCUSSION

In a Decision mailed on 20 September 2010, the petition filed on 11 June 2010 was dismissed, without prejudice, because

> With respect to 37 CFR 1.8(b)(2), petitioner states the "on 24 September 2009 I faxed the 3 pages of 37 CFR 1.63 and the 1 page Credit Card Payment Form that I have included with this fax." Review of the papers filed on 11 June 2010 reveals that a three-page Declaration (37 CFR 1.63) was provided. The record also shows that applicant paid the required fees (via credit card) on 16 May 2010. The records maintained by the Office of Finance indicate that a copy of the credit card authorization form (Form PTO-2038) also was received on 11 June 2010. Thus, an "additional copy" of the correspondence has been filed. However, inspection of the materials provided suggests that no certificate of transmission under 37 CFR 1.8(a)(1)(ii) was included thereon. Therefore, it would not be appropriate at this time to conclude that the requirements of 37 CFR 1.8(b)(2) have been satisfied.

In response, petitioner provides "further copies" of documents, including a Certificate of Transmission. However, inspection of said Certificate of Transmission reveals that it was dated 16 November 2010; as such, it does not appear to pertain to the correspondence allegedly filed on 24 September 2009. In addition, inspection of the fax receipt dated 24 September 2009 reveals that it tends to show that the fax in question was not sent to a USPTO fax number, but was sent to "001515712768300" instead. As such, petitioner still has not satisfied 37 CFR 1.8(b).

DECISION

The petition is **DISMISSED**, without prejudice, for the reasons described above.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

/George Dombroske/www.uspto.gov
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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Alexandria, VA 22313-1450
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FEB 01 2011

PCT LEGAL ADMINISTRATION

Robert PEARCE
32 BRYMPTON AVENUE
PARK ORCHARDS
VICTORIA 3114
AUSTRALIA

In re Application of	:	
Pearce	:	
Application No.: 11/720,606	:	
PCT No.: PCT/AU2005/001955	:	
Int. Filing Date: 23 December 2005	:	DECISION
Priority Date: 23 December 2004	:	
Attorney Docket No.: N/A	:	
For: Convertible Trailer	:	

The petition to revive under 37 CFR 1.137(b) filed on 27 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states 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 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 June 2010** (the date a declaration compliant with 37 CFR 1.497(a) and (b) was filed).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

MAILED
DEC 15 2011
OFFICE OF PETITIONS

In re Application of
Loeken et al.
Application No 11/720,638
Filed: June 1, 2007
Attorney Docket No. 2004P02753WOUS

ON PETITION

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

The petition is **GRANTED**.

This above-identified application was held abandoned for failure to timely file an appeal brief in response to the Notice of Appeal filed April 7, 2011. No timely request for extension of time were submitted pursuant to 37 CFR 1.136(a). Accordingly the application was held abandoned on June 8, 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 an appeal brief and fee of $620.00; (2) the petition fee of $1860.00; and (3) a proper statement of unintentional delay.

Pursuant to MPEP 1204.01, the current appeal brief fee is required. As such the $80.00 difference for the submission of the appeal brief is being charged to deposit account no. 14-1270.

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 $2690 extension of time fee submitted on November 23, 2011 was subsequent to the maximum extendable period for reply, the fees will be refunded to deposit account 14-1270.

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

This application is being referred to Technology Center AU 2881 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
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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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
NOV 04 2010
OFFICE OF PETITIONS

In re Application of :
Thomas FEICHTINGER, et *al.* :
Application No. 11/720,704 : DECISION GRANTING PETITION
Filed: July 5, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **14219-150US1** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 2, 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 20, 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 2833 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.*

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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MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE IL 60532

MAILED
NOV 01 2010
PCT LEGAL ADMINISTRATION

In re Application of:
NODA, Atsuhito, et al.
U.S. Application No.: 11/720,714
PCT Application No.: PCT/US2005/043354
International Filing Date: 01 December 2005
Priority Date: 01 December 2004
Attorney's Docket No.: A4-307 US
For: FLEXIBLE FLAT CIRCUITRY

DECISION
(37 CFR 1.182)

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 13 September 2010. The required petition fee has been paid.

BACKGROUND

On 13 July 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 13 July 2010 referenced two different international applications. Specifically, the first page of the Form PTO-1390 identified the international application number as PCT/US05/04354, while the second page of the Form PTO-1390, and the information provided during the electronic filing process, identified the international application number as PCT/US05/043354.

On 13 September 2010, applicant filed the "Petition Under 37 CFR 1.182" considered herein.

DISCUSSION

The petition confirms that the correct international application number for the present national stage application is PCT/US2005/043354. Applicants note that the correct international application number was listed in the materials filed to initiate the present national stage application on 01 June 2007, including the second page of the Form PTO-1390. The petition also includes payment of the applicable $400 petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent typographical errors in the international application number listed on the first page of the Form PTO-1390. Accordingly, the materials filed herein on 01 June 2007, including the payment of the basic national fee, will be treated as the U.S. national stage of international

application PCT/US2005/043354. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of such application, thereby avoiding abandonment of the international application with respect to the United States.

It is noted that the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed on 31 July 2009 appears to have been based on a review of the wrong international application, PCT/US05/04354.[1] The Notification is therefore appropriately vacated.

CONCLUSION

The "Petition Under 37 CFR 1.182" is **GRANTED**.

The present application will be treated as the U.S. national stage of PCT/US2005/043354.

The "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed on 31 July 2009 is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2) , and (c)(4) is 05 August 2009.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] This is evident based on the Notification's requirement for additional claims fees and sequence listing materials, neither of which are applicable with respect to PCT/US2005/043354, which contains only three total claims and does not contain biological sequences.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/30/11

TO SPE OF : ART UNIT:

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/720,742 Patent No. 7,785,751

CofC mailroom date 6/30/11

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

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.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Changes are correction of misspelled words and indentation for new paragraphs, and thus editorial in nature.

29 SEP 2010

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

CUSTOMER NO. 70416
PERKINS COIE LLP
PATENT - LA
P.O. BOX 1208
SEATTLE, WA 98111-1208

In re Application of	:	
NAJAFI, Hamid	:	
Application No.: 11/720,760	:	
PCT App. No.: PCT/US2005/043624	:	
Int'l Filing Date: 30 November 2005	:	DECISION
Priority Date: 06 December 2004	:	
Attorney Docket No.: 060579.000003	:	
For: WIRELESS PHONE WITH	:	
LANYARD ANTENNA	:	

This is in response to attorneys' request to withdraw as attorneys of record, filed 16 October 2008 and resubmitted on 30 August 2010, in regard to 11/720,760. The Request is **DISMISSED AS MOOT**.

Counsel was never appointed in the above application. As such, counsel cannot withdraw. Counsel has requested a change of correspondence address to:

Hamid Najafi
774 Mays Blvd #10
PMB 263
Incline Village NV 89451

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

cc: Hamid Najafi
774 Mays Blvd #10
PMB 263
Incline Village NV 89451

24 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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23859
BALLARD SPAHR LLP
999 Peachtree Street, Suite 1000
Atlanta, GA 30309-3915

In re Application of
HAWTHORNE *et al*
U.S. Application No.: 11/720,795
PCT No.: PCT/US2005/043183
Int. Filing Date: 30 November 2005
Priority Date: 06 December 2004
Attorney Docket No.: 14172.0003U2
For: SYSTEM AND METHOD FOR OBTAINING CONSUMER RELATED STATISTICS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 02 July 2010.

BACKGROUND

On 01 March 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 02 July 2010, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a $200.00 petition fee, a three-month extension and $555.00 fee, a declaration executed by one of the inventors, and a declaration of Charley F. Brown.

DISCUSSION

Applicants claim that co-inventor, Steve VARGA refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) are satisfied in the petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants mailed a declaration and complete copy of the application to the last known address of Mr. VARGA on 17 August 2007. The letter was resent via certified mail on 14 March 2008. The letter and enclosed documents were purportedly accepted by "J. McMahon" on 17 March 2008. No further evidence was provided.

A refusal to cooperate requires that a complete copy of the application be presented to the nonsigning inventor, or the nonsigning inventor refuses delivery (or stated that the application papers should not be sent to his home). *See* MPEP § 409.03(d)(II). Here, the application papers were purportedly received by a "J. McMahon" on 17 March 2008. Mr. Brown claims that a true copy of the receipt accompanied the petition as Exhibit C, along with a copy of the letter as Exhibit B. However, no exhibits accompanied this petition. Copies of all relevant documents must be provided in any renewed petition.

Moreover, assuming the facts listed in Mr. Brown's declaration are accurate, they would still not meet the requirements of MPEP § 409.03(d)(II). There is no proof that the documents mailed 17 August 2007 were received by anyone. Further, the documents sent on 14 March 2008 were signed for by Mr. McMahon. No evidence was presented that Mr. VARGA still lives at this address, and there is no indication who Mr. McMahon is, or what is his relationship to Mr. VARGA. Accordingly, the presumption is that the documents mailed 14 March 2008 have also not been seen by Mr. VARGA. As such, a refusal to cooperate cannot be shown.

For these reasons, item (2) of 37 CFR 1.47(a) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for

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[1] The $200.00 petition fee has been paid. The last known address of the nonsigning inventor was provided. A declaration executed by one of the two named inventors was provided. The declaration meets the requirements of MPEP § 409.03(a)(A) and is in compliance with 37 CFR 1.497(a) and (b).

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.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

23859
BALLARD SPAHR LLP
999 Peachtree Street, Suite 1000
Atlanta, GA 30309-3915

MAILED

NOV 04 2010

PCT LEGAL ADMINISTRATION

In re Application of
HAWTHORNE *et al*
U.S. Application No.: 11/720,795
PCT No.: PCT/US2005/043183
Int. Filing Date: 30 November 2005
Priority Date: 06 December 2004
Attorney Docket No.: 14172.0003U2
For: SYSTEM AND METHOD FOR OBTAINING CONSUMER RELATED STATISTICS

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 14 September 2010.

BACKGROUND

On 24 August 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was filed. Applicants were given two months to respond.

On 14 September 2010, applicants filed a renewed response under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a statement of facts by Mr. John G. Graves and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that joint inventor, Steve VARGA, refuses to cooperate in the subject application and filed a petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventors; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors. Item (2) of 37 CFR 1.47(a) was <u>not</u> satisfied in the initial petition.

In the renewed petition, applicants provided documentary evidence showing that a complete copy of the subject application was provided to Mr. VARGA on 10 September 2010. An email response from the nonsigning inventor (to Mr. Graves) dated 10 September 2010 confirms that the nonsigning inventor received the

dated 10 September 2010 confirms that the nonsigning inventor received the documents and indicates that he is not willing to cooperate in the subject application without compensation.

The email response by Mr. VARGA is considered a written refusal to cooperate as contemplated by MPEP § 409.03(d)(II). This evidence is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 30 November 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 02 July 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

Date : December 13, 2011

Patent No. :7921961
Ser. No. :11720823
Inventor(s) :Nobuo Kadowski
Issued :April 12, 2011
Title :CHROMATE-FREE RESIN-COMPOSITE VIBRATION DEADENING MATERIAL

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

Dorsey & Whitney LLP
Intellectual Proeprty Department
250 Park Avenue
New York, NY 101177

/arg

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

Date : December 23, 2011

Patent No. :7921961
Ser. No. :11720823
Inventor(s) :Nobuo Kadowaki
Issued :April 12, 2011
Title :CHROMATE-FREE RESIN-COMPOSITE VIBRATION DEADENING MATERIAL

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

Dorsey & Whitney LLP
51 West 52nd Street
New York, NY 10019-6119

/arg

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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of PESIRIDIS et al.
Application No.: 11/720,953
PCT No.: PCT/GB05/04663
Int. Filing: 06 December 2005
Priority Date: 06 December 2004
Attorney Docket No.: 2003882-0048
For: FLOW CONTROL DEVICE FOR A TURBOCHARGER

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 13 July 2010 in the above-captioned application is hereby **GRANTED** .

Applicant's statement that " the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3) at the time of filing this petition.

A review of the application file reveals that the petition fee of $1620 has been paid and the basic national fee of $330 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements, if necessary.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

In re Application of: FUERGUT, Edward, et al.
U.S. Application No.: 11/720,954
PCT No.: PCT/DE2005/002016
International Filing Date: 09 November 2005
Priority Date: 06 December 2004
Atty Dkt No.: Q601.102.101/2004P54073
For: METHOD OF APPLYING AN ADHESIVE LAYER ON THINCUT SEMICONDUCTOR CHIPS OF A SEMICONDUCTOR WAFER

DECISION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 12 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 24 August 2009 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued 24 June 2009. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) issued on 21 April 2010.

The present petition was accompanied by the petition fee and the "required reply" in the form of proper reply to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497 and an English translation of the international application as filed. In addition, the petition includes 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," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted. The application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 12 January 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100915

DATE : September 15, 2010

TO SPE OF : ART UNIT 2858

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

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:

/MELISSA J KOVAL/
Supervisory Patent Examiner, Art Unit 2858

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.
11/721,027	06/06/2007	Michele Piccolo	17764US	5747

7590 10/14/2010
SHELDON MAK & ANDERSON PC
100 Corson Street
Third Floor
PASADENA, CA 91103-3842

EXAMINER
CONLON, MARISA

ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
10/14/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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.
11/721,048	08/07/2009	Michael Kenneth John Adams	1570.3049.001	6002

23399 7590 06/22/2011
REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

EXAMINER
PASCUA, JES F

ART UNIT	PAPER NUMBER
3782	

MAIL DATE	DELIVERY MODE
06/22/2011	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.

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

REISING ETHINGTON P.C.
P O BOX 4390
TROY MI 48099-4390

In re Application of: ADAMS, MICHAEL KENNETH JOHN Serial No.: 11/721048 Filed: June 7, 2007 Attorney Docket No. : 1570.3049.001 Title: PACKAGING	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 3, 2011 to make the above-identified application special.

The request and petition are **granted.**

A grantable request to participate in the PPH pilot 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 UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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

GE HEALTHCARE, INC.
IP DEPARTMENT 101 CARNEGIE CENTER
PRINCETON, NJ 08540-6231

MAILED
OCT 05 2010
OFFICE OF PETITIONS

Applicants: Hjelstuen, et al.
Appl. No.: 11/721,064
International Filing Date: October 4, 2005
Title: Stabilised ^{99m}Tc Compositions
Attorney Docket: PZ0477
Pub. No.: US 2009/0311178 A1
Pub. Date: December 17, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 27, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

A Filing Receipt was mailed on September 9, 2009, which incorrectly listed the title. To avoid this type of problem in the future applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

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

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

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): 11/721,066	Patent Number (if applicable):
First Named Inventor: Kikukatsu ITO	Title of Invention: Method for Temperature Control and Temperature Controller

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

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:

   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.

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:

   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 *sua sponte* 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: 571-273-6500.

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):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. 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)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. 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).

   f. 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).

   g. 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:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. 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.

   c. 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.

   d. 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 June 16, 2011
Name (Print/Typed) Stephen P. Burr	Practitioner Registration Number 32,970

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*.*

*Total of 1 forms are submitted.

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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BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Ito et al.	:	
Application No. 11/721,066	:	DECISION ON PETITION
Filed: July 6, 2007	:	
Attorney Docket No. 782_237	:	

This is a decision on the request filed June 16, 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 16, 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 2121 for re-mailing the Office action of February 16, 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

NOTARO, MICHALOS & ZACCARIA P.C.
100 DUTCH HILL ROAD
ORANGEBURG NY 10962

MAILED
SEP 20 2010
OFFICE OF PETITIONS

In re Application of
Jiri Michalek, et al.
Application No. 11/721,075
Filed: June 7, 2007
Attorney Docket No. J187-038 US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 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 November 6, 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 at midnight February 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 $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3213.

This application is being referred to Technology Center AU 1791 for appropriate action by the Examiner in the normal course of business on the reply received August 9, 2010.

Cheryl Gibson-Baylor
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

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

MAILED

SEP 23 2010

OFFICE OF PETITIONS

Applicant: Kim, et al.
Appl. No.: 11/721,104
International Filing Date: December 17, 2004
Title: METHOD FOR PREPARATION OF HIGH ENZYMATIC RESISTANCE HYDROXYALKYLCELLULOSE DERIVATIVES
Attorney Docket No.: HLPAT1.001APC
Pub. No.: US 2009/0299051 A1
Pub. Date: December 3, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 3, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the spelling of the assignee's name is incorrect.

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 error on the front page of the published patent application wherein the spelling of the assignee's name "SAMSUNG FINE CHEMICALS CO., LTD." is incorrectly listed as "SANSUNG FINE CHEMICALS CO., LTD." is not a material Office error under 37 CFR 1.221(b). The misprinting of the assignee's name does not affect the understanding of the application. The error in assignment information is not a material mistake because it does not 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] Changes 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).

See MPEP 1130. Applicant should not file requests for corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

On August 24, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to submit the PTO form fillable ADS as an electronic file via EFS - Web and not as a scanned pdf, as the data will auto load into the Office electronic systems

Applicants are encouraged to submit the eADS as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free)
571-272-4100 (local)
E-mail: **ebc@uspto.gov**

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:1108

DATE : August 04, 2011

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 7782714

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:

Patent claim 4 corresponds to claim 15 of the application and is properly dependent on patent claim 2 (claim 11 of the application). Patent claim 6 corresponds to claim 14 of the application and is properly dependent on patent claim 1 (claim 10 of the application). No change is needed.

/renee s luebke/
Renee Luebke SPE - AU 2833

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

Date Mailed : August 24, 2011

Patent No. :7782714
Inventor :11721134
Patent Issued :July 20, 2011
Title :TIME PIECE FORMING A NAVIGATION AID FOR PILOTS AND SEAMEN

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.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to the claims; the requested change to the claims as presented in applicants request is not warranted entry. Respectively, patent claim 4 corresponds to claim 15 of the application and is properly depending on patent claim 2 (claim 11 of the application). Patent claim 6 corresponds to claim 14 of the application and is properly dependent on patent claim 1 (claim 10 of the application). Correction is not required.

In view of the foregoing applicants request in this matter is hereby denied Any telephone inquiry 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

Griffin & Szipl, P.C.
2300 9th Street South, Suite PH-1
Arlington, VA 22309

/arg

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.
11/721,142	08/21/2008	Gregory Mark Webber	101636.0001US	6820

24392 7590 11/05/2010
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

EXAMINER
LE, HUYEN D

ART UNIT	PAPER NUMBER
3751	

NOTIFICATION DATE	DELIVERY MODE
11/05/2010	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):

rfish@fishiplaw.com
patents@fishiplaw.com

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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FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine CA 92614-6232

In re Application of	:	
WEBBER, GREGORY MARK	:	DECISION ON REQUEST TO
Application No. 11/721,142	:	PARTICIPATE IN PATENT
Filed: June 7, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 101636.0001US	:	PILOT PROGRAM AND
PETITION		
For: WAVE GENERATING APPARATUS	:	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) pilot program under 37 CFR 1.102(d), filed November 2, 2010, to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH pilot 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(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 IPAU 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 IPAU application(s) containing the allowable/patentable claim(s); and
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner, Greg Huson at 571-272-4887.

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

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Patent No. 7,931,467	:	
Issued: April 26, 2011	:	
Application No. 11/721,214	:	ON PETITION
Filed: October 9, 2007	:	
Attorney Docket No. H01.2-13638	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 29, 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**.

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) 272-7751.

/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

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace WA 98043

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Hee Soo Lee et al.	:	
Application No. 11/721,274	:	DECISION ON PETITION
Filed: June 8, 2007	:	
Attorney Docket No. **110SK-000900US**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 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 24, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on January 25, 2011.

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 $810, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/12/11

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 11721282 Patent No.: 7788921

CofC mailroom date: 08/29/11

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 claim 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.

- ☒ **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

/Janet L. Andres/ 1625

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/12/11

TO SPE OF : ART UNIT 2841

SUBJECT : Request for Certificate of Correction for Appl. No.: 11721330 Patent No.: 7730625

CofC mailroom date: 12/20/10

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 Director's/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.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Corrections are for typographical errors.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Elvin Enad/ AU2832

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
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MAILED

OCT 01 2010

OFFICE OF PETITIONS

SUTHERLANDASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re Application of	:	
Daniel CUTLER	:	
Application No. 11/721,354	:	DECISION ON PETITION
Filed: August 13, 2007	:	
Attorney Docket No. 19727-0012	:	

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 reply in a timely manner to the non-final Office action mailed, November 24, 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 February 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 an amendment (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 AU 3636 for appropriate action by the Examiner in the normal course of business.

/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
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MAILED
FEB 10 2012
OFFICE OF PETITIONS

WESTERMAN HATTORI DANIELS & ADRIAN LLP
1250 CONNECTICUT AVENUE NW
SUITE 700
WASHINGTON DC 20036

In re Application of	:	
Kobayashi, et al.	:	
Application No. 11/721,402	:	ON PETITION
Filed: June 11, 2007	:	
Attorney Docket No. 043018A	:	

This is in response to the petition to revive under 37 CFR 1.137(b), filed January 11, 2012.

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

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed June 21, 2011, which set a shortened statutory period for reply of three (3) months. Applicants filed an RCE on December 21, 2011, made timely by obtaining a three month extension of time. However, the RCE lacked the required submission. As such, the application became abandoned on December 22, 2011. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a Notice of Appeal.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 1629 to await applicants' submission of the Appeal Brief.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

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

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG MB R2G1P-9 CA CANADA

In re Application of	:	DECISION ON RENEWED
CZUB et al	:	
Application No.: 11/721,451	:	
Int. Application: PCT/CA2005/01893	:	
Int. Filing Date: 14 December 2005	:	REQUEST UNDER
Priority Date: 14 December 2004	:	
Attorney's Docket No.: 85084-1202	:	
For: RECOMBINANT FOOT AND MOUTH	:	
DISEASE VACCINE	:	37 CFR 1.497(d) and 1.181

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.181," which is being treated as a renewed request under 37 CFR 1.497(d) and 37 CFR 1.181 filed on 04 August 2010, adding co-inventor, Alfonso Clavijo, in the executed declaration.

BACKGROUND

In a decision from this Office on 04 May 2010, the request under 37 CFR 1.497(d) was dismissed as item (3) had not been satisfied.

On 04 May 2010, applicants filed, inter alia, a renewed request under 37 CFR 1.497(d) that included an assignment from Markus Czub. In addition, applicants are indicating that the correct spelling of inventor's Clavijo's first name is Alfonso.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(I); and

(3) . If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have still not satisfied item (3) under 37 CFR 1.497(d).

With respect to item (3), the Public Health Agency of Canada, the assignee, has consented to the correction of inventorship to the above application. However, the copy of the executed assignment provided is only executed by Markus Czub and no assignment by Alfonso Clavijo has been provided.

As stated in the last decision, to establish the right of the Assignee to take action, applicants must submit a complete copy of the executed assignment by all the inventors or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

37 CFR 1.181: CORRECT SPELLING NAME OF INVENTOR CLAVIJO

Applicants have explained that the incorrect spelling of Alfonso was due to a typographical error."

Applicants have provided the reason for the name correction to "**Alfonso**."

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED.**

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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APR 21 2011

PCT LEGAL ADMINISTRATION

ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG MB R2G1P-9 CA CANADA

In re Application of	:	DECISION ON RENEWED
CZUB et al	:	
Application No.: 11/721,451	:	
Int. Application: PCT/CA2005/01893	:	
Int. Filing Date: 14 December 2005	:	REQUEST UNDER
Priority Date: 14 December 2004	:	
Attorney's Docket No.: 85084-1202	:	
For: RECOMBINANT FOOT AND MOUTH	:	
DISEASE VACCINE	:	37 CFR 1.497(d)

This is a decision on applicants' "SUBMISSION PURSUANT TO 37 CFR 1.497(d)" filed on 23 February 2011, which is being treated as a renewed request under 37 CFR 1.497(d).

BACKGROUND

In a decision from this Office mailed on 03 December 2010, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d) as there was no assignment from Alfonso Clavijo.

On 23 February 2011, applicants filed the current renewed request, which included, *inter alia*, a copy of the assignment of the patent application from Alfonso Clavijo to Her Majesty the Queen in Right of Canada as Represented by the Minister of Health.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d). In regard to item (3), applicant has submitted a copy of the assignment from Clavijo to Her Majesty the Queen in Right of Canada as Represented by the Minister of Heal, assignee of the above application and the assignee has established its right to take action under 37 CFR §3.73(b).

Accordingly, applicants are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Berg Bernd	:	
Application No. 11/721,467	:	DECISION GRANTING PETITION
Filed: July 13, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **7862-0001WOUS**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 14, 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 2, 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 3725 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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SEAN LIAM KELLEHER
KELLEHER IP PLLC
4 MANORSHIRE DR, STE 1
FAIRPORT NY 14450

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JUN 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Byung-Eun Park	:	
Application No. 11/721,599	:	DECISION ON PETITION
Filed: June 13, 2007	:	
Attorney Docket No. KR-495P03	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 18, 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 June 30, 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 obtained. Accordingly, the application became abandoned on July 31, 2009. A Notice of Abandonment was mailed February 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 a response to the Restriction Requirement, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

This application is being referred to Technology Center AU 2814 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/721,613	06/13/2007	Nikolai (Mykola) Ignatyev	MERCK-3333	1705

23599 7590 09/08/2011
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

EXAMINER
BARKER, MICHAEL P

ART UNIT	PAPER NUMBER
1626	

NOTIFICATION DATE	DELIVERY MODE
09/08/2011	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):

docketing@mwzb.com

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SEP 0 8 2011

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

In re Application of	:
Ignatyev et al	:Decision on Petition
Serial No.:11/721,613	:
Filed: 13 June 2007	:
Attorney Docket No.:MERCK-3333	:

This letter is in response to the Petition filed 21 March 2011 to request reconsideration of the restriction requirement mailed 19 February 2011.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully.

In the final Office action mailed 7 February 2011, the examiner indicated that claims 6, 10 and 11 were allowed, claim 7 was rejected and claims 1, 3-5, 8, 9 and 12-14 were objected to.

On 21 March 2011, Applicants filed this petition to request reconsideration of the restriction requirement and examination of claims 1 and 3-5, 8, 9 and 12-14.

On 8 August 2011, applicants filed an after final amendment requesting cancellation of claims 1 and 3-5, 8, 9 and 12-14. Only allowable claims 6, 10 and 11 remain pending.

DECISION

Because no claims are currently pending directed to the non-elected inventions, the petition under 37 CFR 1.144 is **DISMISSED**.

The application will be forwarded to the examiner for consideration of the papers filed 8 August 2011 and for preparation of an Office action consistent with this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

Remy Yucel
Director, Technology Center 1600

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HAMRE, SCHUMANN, MUELLER & LARSON, PC
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

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OCT 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Villoo Morawala Patell, et al.	:	
Application No. 11/721,660	:	DECISION ON PETITION
Filed: June 13, 2007	:	TO WITHDRAW
Attorney Docket No. 20049.0028USWO	:	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 28, 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 request was signed by Douglas P. Mueller on behalf of all attorneys of record who are associated with customer No. 52835. All attorneys/agents associated with the Customer Number 52835 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 is an outstanding Office action mailed June 23, 2011 that requires a reply from the 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: AVESTHAGEN LIMITED
UNIT 3, "DISCOVERER" 9TH FLOOR
INTERNATION TECH PARK, WHITEFIELD ROAD
BANGALORE, 560066, INDIA

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/721,660	06/13/2007	Villoo Morawala Patell	20049.0028USWO

CONFIRMATION NO. 2117

POWER OF ATTORNEY NOTICE

52835
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

OC000000050156377

Date Mailed: 10/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2011.

- 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.

/amwise/

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

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2 2 SEP 2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of PILLOY et al	:	
U.S. Application No.: 11/721,688	:	
PCT Application No.: PCT/EP2005/056883	:	
Int. Filing Date: 16 December 2005	:	DECISION
Priority Date Claimed: 16 December 2004	:	
Attorney Docket No.: 339538US99PCT (4004-84)	:	
For: SUBSTRATE WITH ANTIMICROBIAL	:	
PROPERTIES	:	

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed on 27 July 2010.

BACKGROUND

On 16 December 2005, applicant filed international application PCT/EP2005/056883, which claimed priority of an earlier European Patent Office application filed 16 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2007.

On 14 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 02 October 2009, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 27 May 2010, this Office mailed a decision dismissing the 02 October 2009 request for status.

On 27 July 2010, applicant filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The renewed request for status is accompanied by a copy of a PCT Rule 4.17(iv) declaration which was filed with the international application. This declaration satisfies the requirements of 37 CFR 1.497(a).

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 16 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 June 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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PCT LEGAL ADMINISTRATION

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of LACONTE et al. :
Application No.: 11/721,733 : DECISION ON PETITION
PCT No.: PCT/FR05/51065 :
Int. Filing: 09 December 2005 : UNDER 37 CFR 1.47(a)
Priority Date: 14 December 2004 :
Attorney Docket No.: 310035US6PCT :
For: COMPLEX PARTITION GLASS CONSIST-:
ING OF AT LEAST TWO ADJACENT GLASS
ELEMENTS...

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 August 2010, to accept the application without the signature of the joint inventor YANN TOMBETTE. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 26 June 2009, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 24 November 2009, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor YANN TOMBETTE, alleging that he refuses to sign the application.

On 02 February 2010, a decision dismissing the petition under 37 CFR 1.47(a) was mailed to applicant, indicating that the requirements of 37 CFR 1.47(a) had not been satisfied.

On 02 August 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his

or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4).

With regard to item (2), applicant submitted the statement of facts of Joelle Soulevant, employee of Saint-Gobain Recherche, assignee. Ms. Soulevant states that on or about 23 March 2010, she sent a complete copy of the application papers, combined declaration and power of attorney and assignment to the nonsigning inventor via registered mail, asking him to sign the documents. Receipt of this letter was confirmed by French Postal Service. Petitioner attached a copy of the French language letter along with the French postal receipt and the respective English translations. As of 28 July 2010, the non-signing inventor has not responded to this communication. Thus, it can now be concluded that the nonsigning inventor refuses to sign the application papers. Item (2) above is satisfied.

Thus, Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 24 November 2009. The application has an international filing date of 09 December 2005 under 35 U.S.C. 363, and a date of 24 November 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

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PCT LEGAL ADMINISTRATION

YANN TOMBETTE
479 RUE JEAN JAURES
60280 MARGNY LES COMPIEGNE
FRANCE

In re Application of LACONTE et al.
Application No.: 11/721,733
PCT No.: PCT/FR05/51065
Int. Filing: 09 December 2005
Priority Date: 14 December 2004
Attorney Docket No.: 310035US6PCT
For: COMPLEX PARTITION GLASS CONSISTING OF AT LEAST TWO ADJACENT GLASS ELEMENTS...

Dear Mr. Tombette:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212

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JAN 06 2012

OFFICE OF PETITIONS

In re Application of:	:	
Abel et al.	:	
Pat. Num.: 8,009,287	:	
Issue Date: 08/30/2011	:	
Application No. 11/721832	:	ON PETITION
Filing or 371(c) Date: 06/15/2007	:	
Atty. Docket No. B1180/20075	:	

This is a decision on the Petition Under 37 C.F.R. § 1.182 for Duplicate Letters Patent, filed November 8, 2011.

The petition is GRANTED.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Questions concerning this decision may be directed to the undersigned at 571-232-3232. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person, in the Office of Data Management at (703) 756-1555.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: Ollie Person (FAX 571-270-9764)
Kimberly Terrell (FAX 571-270-9958)

07 SEP 2010

United States Patent and Trademark Office

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
Leonard	:	
Application No.: 11/721,876	:	
PCT No.: PCT/EP2005/056797	:	
Int. Filing Date: 14 December 2005	:	DECISION
Priority Date: 15 December 2004	:	
Attorney Docket No.: 310629US6PCT	:	
For: System For Storing An Additive And For Injecting It Into Engine Exhaust Gases	:	

This is in response to the "Request To Correct Filing Date," filed on 23 June 2010.

BACKGROUND

This international application was filed on 14 December 2005, claimed a earlier priority date of 15 December 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 22 June 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 June 2007. Applicants filed *inter alia* the basic national fee on 15 June 2007.

On 28 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an English translation of the international application and a processing fee under 37 CFR 1.492(i).

On 12 January 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "06/15/2007" were mailed to applicant.

DISCUSSION

Applicants indicate that the "correct filing date of the application should be: September 19, 2008," and request "correction of your records" to reflect said date. Review of the record reveals that the basic national fee was paid on 15 June 2007. The international application was both filed and published in English; accordingly, no English translation was required. Therefore, the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 28 October 2008 was issued in error, and it is hereby **VACATED**.

Review of the declaration filed on 19 September 2008 reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Therefore, the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is 19 September 2008. Consequently, the Filing Receipt and the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 12 January 2009 were issued in error, and both are hereby **VACATED**.

DECISION

The request is **ACCEPTED**, as described above.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **19 September 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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OCT 19 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
MICHIOKA, et al.	:	
Application No.: 11/721,897	:	DECISION ON PETITION
PCT No.: PCT/JP2005/019983	:	
Int. Filing Date: 31 October 2005	:	UNDER 37 CFR 1.181
Priority Date: 17 December 2004	:	
Atty Docket No.: 071733	:	
For: MOTION GUIDE DEVICE AND METHOD OF LUBRICATING THE SAME	:	

This is a decision on applicant's "3RD REQUEST FOR CORRECTED FILING RECEIPT" filed 23 August 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 15 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 26 August 2008, applicant filed an executed declaration of the inventors.

On 26 June 2009, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) and official filing receipt indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 26 August 2007.

On 23 August 2011, applicant filed the present petition claiming that the 371 requirements were satisfied on 26 August 2008.

In addition to the evidence presently provided by applicant; a review of the application file finds the executed declaration contained therein with a filing date of 26 August 2008.

For the reasons above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 31 October 2005 under 35 U.S.C. 363 and will be given a date of **26 August 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or

1.495" (Form PCT/DO/EO/903) mailed 26 June 2009 indicating a date of 26 August 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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Glenmark Pharmaceuticals S.A.
c/o Blank Rome
Attn: Patent Docketing
One Logan Square
Philadelphia PA 19103

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Gharat, et al.	:	
Application No. 11/721,912	:	DECISION ON PETITION
Filed: August 25, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 134395.10038	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed June 29, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived. As such, the amount of $130.00 will be refunded to deposit account 02-2555.

The petition lacks item(s) (1) above.

A review of the record did not reveal that applicant has established small entity status under 37 CFR 1.27 in the above-identified application for which special status is sought under 37 CFR 1.102. Such is a requirement for a successful petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.
If appropriate, applicant may establish small entity status under 37 CFR 1.27 in the above-identified application and file a renewed petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

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

The application is being forwarded to the Technology Center Art Unit 1624 for action in its regular turn.

Chris Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Glenmark Pharmaceuticals S.A.
c/o Blank Rome
Attn: Patent Docketing
One Logan Square
Philadelphia PA 19103

MAILED
SEP 20 2010
OFFICE OF PETITIONS

In re Application of	:	
Gharat, et al.	:	
Application No. 11/721,912	:	DECISION ON PETITION
Filed: August 25, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 134395.10038	:	37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102 filed September 2, 2010, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

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

The application is being forwarded to the Technology Center Art Unit 1624 for action on the merits commensurate with this decision.

Chris Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

09 SEP 2010

Commissioner for Patents
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Alexandria, VA 22313-1450
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BERENBAUM WEINSHIENK PC
370 17TH STREET
SUITE 4800
DENVER CO 80202

In re Application of:	:	
FERNANDEZ LOBATO, Maria, et al.	:	
U.S. Application No.: 11/721,942	:	DECISION
PCT No.: PCT/ES2005/070177	:	(37 CFR 1.181)
International Filing Date: 15 December 2005	:	
Priority Date: 16 December 2004	:	
Attorney Docket No.: 14455.898US01	:	
For: NEW ENZYME FOR OBTAINING	:	
PREBIOTIC OLIGOSACCHARIDES	:	

This decision is issued in response to the "Request For Corrected Filing Receipt And Request For Corrected Notice Of Acceptance Of Application Under 35 USC 371 and 37 CFR 1.495" filed 15 September 2009, treated in part herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 15 December 2005, applicants filed international application PCT/ES2005/070177. The application claimed a priority date of 16 December 2004, and it designated the United States. On 22 June 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 16 June 2007.

On 15 June 2007, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an English translation of the international application. The Transmittal Letter included an express request to begin national examination procedures.

On 29 October 2008, applicants filed an executed declaration in compliance with 37 CFR 1.497 accompanied by payment of the $130 surcharge for filing the oath or declaration later than thirty months after the priority date.

On 31 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 30 October 2008. Also on 31 July 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 30 October 2008.

On 15 September 2009, applicants filed the "Request For Corrected Filing Receipt And Request For Corrected Notice Of Acceptance Of Application Under 35 USC 371 and 37 CFR 1.495" considered in part herein as a petition under 37 CFR 1.181. The petition asserts that the declaration completing the requirements of 35 U.S.C. 371(c) was filed on 29 October 2008 and that the correct 35 U.S.C. 371(c) date is therefore 29 October 2008.[1]

DISCUSSION

A review of the application file and the materials accompanying the present petition confirms that the declaration completing the requirements of 35 U.S.C. 371(c) was filed on 29 October 2008. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and "Date Of Completion Of All U.S.C. 371 Requirements" for the present application is therefore 29 October 2008, as asserted by applicants in the present petition.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 31 July 2009, which incorrectly identified the 35 U.S.C. 371(c) dates (and the filing date of the declaration) as 30 October 2008, is appropriately vacated. In addition, the filing receipts mailed herein, both of which incorrectly identified the 35 U.S.C. 371(c) date as 30 October 2008, are also appropriately vacated. A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 29 October 2008.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 31 July 2009 and the subsequently mailed filing receipts are hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including the issuance of (1) a corrected Notification of Acceptance (Form PCT /DO/EO/903) which properly identifies the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements," the "Date Of Completion Of All U.S.C. 371 Requirements," and the filing date of the declaration as **29 October 2008**; and (2) a corrected filing receipt identifying the 35 U.S.C. 371(c) date as 29 October 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] The present petition also requested a corrected filing receipt naming all six inventors of record and both assignees of record. On 18 September 2009, a corrected filing receipt was issued that named all six inventors and both assignees; however, the 35 U.S.C. 371(c) date on the corrected filing receipt remained 30 October 2008.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 30, 2011

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/721,987 Patent No.: 7925309

CofC mailroom date: 6/16/11

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 made?

Yes.

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.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Kent Chang
SPE

2617
Art Unit

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OCT 15 2010
PCT LEGAL ADMINISTRATION

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

In re Application of TYAGI et al	:	
U.S. Application No.: 11/721,988	:	
PCT Application No.: PCT/IB2005/053955	:	DECISION
Int. Filing Date: 29 November 2005	:	
Priority Date Claimed: 17 December 2004	:	
Attorney Docket No.: US040574US2	:	
For: MULTIPURPOSE LIGHTING UNIT	:	

This is in response to applicant's correspondence filed 22 July 2010, which is being treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 29 November 2005, applicant filed international application PCT/IB2005/053955, which claimed priority of an earlier United States application filed 17 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2007.

On 18 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 August 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 30 September 2009, applicant filed a petition under 37 CFR 1.47(a).

On 26 May 2010, this Office mailed a decision dismissing the 30 September 2009 petition.

On 22 July 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

The correspondence filed 22 July 2010 includes a petition to revive the application under 37 CFR 1.137(b). This petition is moot because the application is not abandoned.

The submission of a declaration executed by the previously nonsigning inventor is a proper response to the decision mailed 26 May 2010. However, the declaration cannot be accepted for the following reasons. First, as stated in the 26 May 2010 decision, the international application lists the second inventor as "Jack Baldrige" while the declarations list the second inventor as "John Baldrige". Although the name "Jack" is a common alternative to "John", the Office is not permitted to assume that the inventive entity listed in the international application is the same as that listed in the declaration. Applicant is required to provide an explanation with regard to the second inventor's name. Furthermore, the declaration executed by inventor Mark Morrell is an improper composite document. It is not acceptable to combine individual pages (i.e. signature pages) from different copies of a declaration in to a single document for submission. Applicant must submit the exact document (or a true photographic reproduction thereof) that was executed by the inventor.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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BRIARCLIFF MANOR, NY 10510

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of TYAGI et al :
U.S. Application No.: 11/721,988 :
PCT Application No.: PCT/IB2005/053955 : DECISION
Int. Filing Date: 29 November 2005 :
Priority Date Claimed: 17 December 2004 :
Attorney Docket No.: US040574US2 :
For: MULTIPURPOSE LIGHTING UNIT :

This is in response to applicant's correspondence filed 30 December 2010, which is being treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 29 November 2005, applicant filed international application PCT/IB2005/053955, which claimed priority of an earlier United States application filed 17 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2007.

On 18 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 August 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 30 September 2009, applicant filed a petition under 37 CFR 1.47(a).

On 26 May 2010, this Office mailed a decision dismissing the 30 September 2009 petition.

On 22 July 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

On 15 October 2010, this Office mailed a decision dismissing the 22 July 2010 petition.

On 30 December 2010, applicant filed the instant second renewed petition under 37 CFR 1.47(a).

DISCUSSION

The second renewed petition includes a proper explanation regarding the given name of the second inventor. However, the declaration executed by inventor Mark Morrell is improper because it fails to list inventors Baker, Ketchum, Vallabhaneni, and Henninger as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APR 21 2011
PCT LEGAL ADMINISTRATION

In re Application of TYAGI et al :
U.S. Application No.: 11/721,988 :
PCT Application No.: PCT/IB2005/053955 : DECISION
Int. Filing Date: 29 November 2005 :
Priority Date Claimed: 17 December 2004 :
Attorney Docket No.: US040574US2 :
For: MULTIPURPOSE LIGHTING UNIT :

This is in response to applicant's correspondence filed 24 February 2011, which is being treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 29 November 2005, applicant filed international application PCT/IB2005/053955, which claimed priority of an earlier United States application filed 17 December 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2007.

On 18 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 August 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 30 September 2009, applicant filed a petition under 37 CFR 1.47(a).

On 26 May 2010, this Office mailed a decision dismissing the 30 September 2009 petition.

On 22 July 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

On 15 October 2010, this Office mailed a decision dismissing the 22 July 2010 petition.

On 30 December 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

On 25 January 2011, this Office mailed a decision dismissing the 30 December 2010 petition.

On 24 February 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

The submission of a complete declaration executed by Mark Morrell is a proper response to the decision mailed 25 January 2011.

CONCLUSION

Because status under 37 CFR 1.47 is no longer required, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 29 November 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 February 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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HENRICKS SLAVIN AND HOLMES LLP
SUITE 200
840 APOLLO STREET
EL SEGUNDO CA 90245

MAILED

NOV 10 2011

OFFICE OF PETITIONS

In re Patent No. 8,028,498	:	
Issue Date: October 4, 2011	:	
Application No. 11/722,081	:	DECISION ON PETITION
Filed: February 16, 2008	:	
Attorney Docket No. 010200-131	:	

This is a decision on the petition under 37 CFR 1.182, filed October 27, 2011 (certificate of mailing date October 13, 2011), requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

Since the original Letters Patent was damaged in the mail, the $400.00 petition fee will be refunded to deposit account no. 50-0655.

The Office of Data Management is directed to issue duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Kimberly Terrell in the Office of Data Management at (703) 756-1568.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: Kimberly Terrell, (Fax No. 571-270-9958)

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Alexandria, VA 22313-1450
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WESTMAN CHAMPLIN & KELLY, P.A.
900 SECOND AVENUE SOUTH SUITE 1400
MINNEAPOLIS, MN 55402

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of
Marcel Hendrikus Simon WEIJERS
Application No. 11/722,236
Filed: September 27, 2007
Attorney Docket No. **M133.12-0003**

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 15, 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 November 5, 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 3742 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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MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

APR 20 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
WEBER et al	:	
Application No.: 11/722,271	:	DECISION ON
PCT No.: PCT/EP05/13762	:	
Int. Filing Date: 21 December 2005	:	PETITION
Priority Date: 22 December 2004	:	
Attorney's Docket No.: 309076US0PCT	:	UNDER 37 CFR 1.181
For: TEXTILE TWO... CAPABLE OF SWELLING	:	

This decision is in response to the "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE" filed on 31 December 2009 which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date and the date of completion of all 35 USC 371 requirements of the above application be corrected to June 20, 2007.

BACKGROUND

On 21 December 2005, this international application was filed, claiming an earliest priority date of 22 December 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 22 June 2007. This international application became abandoned with respect to the United States at midnight on 22 June 2007 for failure to pay the required basic national fee.

On 20 June 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application, a copy of an executed Declaration and a translation into English of the international application was provided with the transmittal letter. Applicants did elect in the transmittal letter an express request under section (f) of 35 USC 371 (35 USC 371(f)) to begin national stage examination procedures.

On 19 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date... Current Oath list (last) named inventor not listed on Published application" must be submitted within two (2) months from date of this Notice or by 32 months

from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 02 November 2009, applicants filed a response to the "Notification of Missing Requirements" mailed on 19 October 2009, which included the "Notification of the Recording of a Change (PCT/IB/306)" communications from the International Bureau indicating that the eighth co-inventor, Tibor DURIS, was added at the international phase via PCT Rule 92bis.1.

On 09 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 02 November 2009.

On 31 December 2009 submitted the present petition.

DISCUSSION

A review of the file indicates that a properly executed declaration was filed on 20 June 2007, and applicants did chose express request commencement under section (f) of 35 USC 371 (35 USC 371(f)). Thus, the date of receipt of the executed declaration for the above application is 20 June 2007, which is the date that applicants satisfied the requirement under 35 U.S.C. 371(c)(4). Accordingly, this is the date that all of the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) have been satisfied and the date of completion of all 35 U.S.C. 371 requirements is 20 June 2007.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 09 November 2009 is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **20 June 2007.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

13 AUG 2010

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HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

In re Application of	:	
ROGERS, et al.	:	
U.S. Application No.: 11/722,287	:	DECISION ON PETITION
PCT No.: PCT/US2007/060346	:	
Int. Filing Date: 10 January 2007	:	UNDER 37 CFR 1.497(d)
Priority Date: 10 January 2006	:	
Attorney Docket No.: 112091.00001	:	
For: NANO-OTOLOGIC PROTECTIVE EQUIPMENT	:	
FOR IMPACT NOISE TOXICITY AND/OR	:	
BLAST OVERPRESSURE EXPOSURE	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed 11 June 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 11 May 2010, applicant was mailed a decision dismissing as moot applicant's petition under 37 CFR 1.48(b). Applicant was afforded one month to file any request for reconsideration.

On 11 June 2010, applicant filed the petition discussed herein.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) the fee set forth in 37 CFR 1.17(h); and

(3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (2)-(4). Applicant has provided a compliant declaration of the actual inventors and provided payment of the petition fee. No assignment has been filed in the present case.

Regarding items (1), the written consent of inventor Oldmixon referenced in applicant's response was not included in the filing.

In light of the above, it is not possible to grant applicant's petition at this time.

Regarding application 12/160,558, due to an anomaly in the electronic filing system two national stage applications of international application PCT/US07/60346. As there can only be one U.S. national stage entry of an international application these files will be merged into one filing under 35 U.S.C. 371. Before the USPTO takes this action applicant should confirm in their response to this decision that it did not intend to file application 12/160,558 as a continuation application of international application PCT/US07/60346 under 35 U.S.C. 111 (a).

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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DEC 02 2010

PCT LEGAL ADMINISTRATION

HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

In re Application of	:	
ROGERS, et al.	:	
U.S. Application No.: 11/722,287	:	DECISION ON PETITION
PCT No.: PCT/US2007/060346	:	
Int. Filing Date: 10 January 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 10 January 2006	:	
Attorney Docket No.: 112091.00001	:	
For: NANO-OTOLOGIC PROTECTIVE EQUIPMENT	:	
FOR IMPACT NOISE TOXICITY AND/OR	:	
BLAST OVERPRESSURE EXPOSURE	:	

This decision is in response to applicant's renewed petition filed 15 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 August 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request fore reconsideration.

On 15 November 2010, applicant filed the present renewed petition; which includes a petition under 37 CFR 1.47; accompanies by a petition for a one-month extension of time. 13 November 2010 being a Saturday, the response is timely filed.

DISCUSSION

Applicant's petition filed 11 June 2010 under 37 CFR 1.497(d) to remove Eben Oldmixon as an inventor was dismissed as applicant did not provide a statement from Mr. Oldmixon consenting to his removal as an inventor. Applicant has presently filed a petition under 37 CFR 1.47(a) to accept the application without the signature of Mr. Oldmixon on the declaration.

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1) and (3).

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case while applicant has submitted a firsthand statement submitting that Mr. Oldmixon has in his possession a complete of application papers, applicant has not submitted any evidence to support this contention. In addition, applicant has not provided any evidence to show that this email address is valid nor explained why the papers were not mailed to Mr. Oldmixon's last known address.

Regarding item (4), while applicant has presently submitted a declaration executed by the remaining inventors on their own behalf, as well as, on the behalf of Mr. Oldmixon, the filed declaration cannot be accepted at this time as there is a discrepancy in the inventors named on the executed declaration filed 11 June 2010 and the document currently submitted. On 11 June 2010 applicant filed papers indicating that Mr. Oldmixon was not an inventor in the application and had been so listed by mistake. Applicant included a signed declaration from the other inventors listed on the published international application avowing to the inventorship without Mr. Oldmixon named therein. Presently, applicant has provided a signed declaration of the inventors which lists Mr. Oldmixon as an inventor and purports to be signed on his behalf. This is improper. Further, the declaration has not been newly executed by inventors Westervelt, Hutchinson and Stone. Instead, their previously executed pages have merely been inserted into a declaration which now includes Mr. Oldmixon. An explanation from counsel is required as to the true inventorship in this application. Further, counsel should detail the presentation of the declarations and their execution by the inventors for both the declaration filed 11 June 2010 and the one filed 15 November 2010.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed 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 or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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JUL 11 2011

PCT LEGAL ADMINISTRATION

HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

In re Application of	:	
ROGERS, et al.	:	
U.S. Application No.: 11/722,287	:	DECISION ON PETITION
PCT No.: PCT/US2007/060346	:	
Int. Filing Date: 10 January 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 10 January 2006	:	
Attorney Docket No.: 112091.00001	:	
For: NANO-OTOLOGIC PROTECTIVE EQUIPMENT	:	
FOR IMPACT NOISE TOXICITY AND/OR	:	
BLAST OVERPRESSURE EXPOSURE	:	

This decision is in response to applicant's renewed petition filed 05 July 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 December 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request fore reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 22 March 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) for failure to respond to the Form PCT/DO/EO/905 mailed 06 November 2009.

On 05 July 2011, applicant filed the present renewed petition accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. 02 July 2011 being a Saturday and 04 July 2011 being a Federal holiday, the response is timely filed.

DISCUSSION

It is noted that the Form PCT/DO/EO/909 mailed 22 March 2011 was mailed prematurely. As detailed in the previous decisions applicant timely filed petitions to proceed alternatively under 37 CFR 1.497 and 37 CFR 1.47 in response to the Form PCT/DO/EO/905 mailed 06 November 2009. In addition, as explained above, applicant has timely responded to the decision mailed 02 December 2010. At no time was the present application abandoned as to the U.S. national stage and the form PCT/DO/EO/909 mailed 22 March 2011 will be vacated with the mailing of this decision.

As discussed in the decision mailed 02 December 2011, a petition under 37 CFR 1.47(a)

must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1) and (3). With the filing of the present renewed petition, exhibits and explanation of counsel, applicant has satisfied the remaining two items and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 10 January 2007 under 35 U.S.C. 363, and will be given a date of **15 November 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The form PCT/DO/EO/909 mailed 22 March 2011 is hereby **VACATED**.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Mr. Eben Oldmixon
Apt. 9B3
4676 Albany Post Road
Hyde Park, NY 12538-3508

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
ROGERS, et al.
U.S. Application No.: 11/722,287
PCT No.: PCT/US2007/060346
Int. Filing Date: 10 January 2007
Priority Date: 10 January 2006
Attorney Docket No.: 112091.00001
For: NANO-OTOLOGIC PROTECTIVE EQUIPMENT FOR IMPACT NOISE TOXICITY AND/OR BLAST OVERPRESSURE EXPOSURE

Dear Mr. Oldmixon:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of Record:

HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,296	06/20/2007	Patrick J. Pratt	SC13846EC	8150

34814 7590 04/13/2011
LARSON NEWMAN, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

EXAMINER
AYOTUNDE, AYODEJI O

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
04/13/2011	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):

ecox@LNAlaw.com
mtaylor@LNAlaw.com

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Alexandria, VA 22313-1450
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LARSON NEWMAN, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

In re Application of:
PRATT, PATRICK J. et al
Application Serial No.: 11/722,296
Filed: June 20, 2007
For: **POWER CONTROL SYSTEM FOR A WIRELESS COMMUNICATION UNIT**

DECISION ON PETITION

This is a decision on the petition filed March 11, 2011 under 37 CFR § 1.181, requesting the Director to invoke his supervisory authority and reopen prosecution of the application.

PERTINENT BACKGROUND

A notice of allowability was issued December 21, 2010 allowing claims 18-24 and 26-32, with claim 18 amended and claims 26-32 newly added by examiner's amendment. The examiner's amendment included the statement, "Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312."

On March 11, 2011, Petitioner seeks relief by filing a petition under 37 CFR 1.181 stating that the examiner's amendment was made without authorization and that prosecution be reopened. Petitioner also seeks refund of fees incurred in filing a Request for Continued Examination to avoid abandonment of the application during consideration of the petition, conditional on the granting of the request to reopen prosecution.

On March 21, 2011, Petitioner filed a Request for Continued Examination to avoid abandonment of the application during consideration of the petition. The Request for Continued Examination includes amendments to the claims presented in the examiner's amendment.

Petitioner indicates that no action was taken between the receipt of the notice an allowability on December 21, 2010 and contacting the Supervisory Patent Examiner on March 9, 2011.

REGULATIONS AND PRACTICE

MPEP § 1302.04 states in part that:

> In all instances, both before and after final rejection, in which an application is placed in condition for allowance as by an interview or amendment, applicant should be notified promptly of this fact by means of a Notice of Allowability (PTOL-37).

37 CFR § 1.312 states:

> No amendment may be made as a matter of right in an application after the mailing of the notice of allowance. Any amendment filed pursuant to this section must be filed before or

with the payment of the issue fee, and may be entered on the recommendation of the primary examiner, approved by the Director, without withdrawing the application from issue.

OPINION

A review of the record finds that, due to the entry of the Request for Continued Examination filed on March 21, 2011, the claims in the application are now in accordance with applicant's wishes. In addition, applicant could have made the desired changes to the claims amended by the examiner without incurring the fee for the Request for Continued Examination in a timely filed amendment under 37 CFR § 1.312.

CONCLUSION

For the above stated reasons, the petition to reopen prosecution and refund fees for the Request for Continued Examination is **Dismissed as Moot**.

A response to the amendment filed with the Request for Continued Examination on March 21, 2011 will be issued in due course.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist at (571) 272-7331.

Richard K. Seidel, Director
Technology Center 2600
Communications

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65913
NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 McKay Drive
San Jose, CA 95131

MAILED
SEP 22 2011
PCT LEGAL ADMINISTRATION

In re Application of :
WAGNER *et al* :
U.S. Application No.: 11/722,349 :
PCT No.: PCT/IB2005/054179 :
Int. Filing Date: 12 December 2005 :
Priority Date: 20 December 2004 :
Docket No.: DE04 0320 US1 :
For: DATA PROCESSING DEVICE AND :
METHOD FOR OPERATING SUCH :
DATA PROCESSING DEVICE :

DECISION

This is a decision on the papers filed 03 February 2010 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 25 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 17 November 2009, applicants submitted an executed declaration. The second inventor's name was listed as Markus FEUSER. The inventor was recorded as Wagner FEUSER in the international publication (WO/2006/067665).

On 19 November 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 17 November 2009 was not in compliance with 37 CFR 1.497(a) and (b) because one of the inventor's names did not match the name recorded on the international publication. Applicants were given one month to respond, or any time remaining in the Form PCT/DO/EO/905, whichever was longer.

On 03 February 2010, applicants filed the subject response which was accompanied by, *inter alia*, an executed declaration and a "Statement of Fact" signed by Mr. FEUSER.

DISCUSSION

In the subject response, applicants' provided a new declaration executed by the two inventors. The second inventor was still listed as Markus FEUSER.

Applicants also provided a statement by the inventor (Mr. FEUSER) who states that his proper name is Markus FEUSER and that the name Wagner FEUSER was erroneously entered in the international application without deceptive intent.

This is treated as a petition under 37 CFR 1.182 to correct the name listed in the international application. A $400.00 petition fee pursuant to 37 CFR 1.17(f) was charged to Deposit Account No. 50-4019 as authorized.[1]

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The inventor's name has been corrected to Markus FEUSER. The declaration filed 17 November 2009 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 December 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 17 November 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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[1] It is noted that the one-month time period to respond to the Form PCT/DO/EO/916 mailed 19 November 2009. Accordingly, a three-month extension fee of $1,110.00 from the Form PCT/DO/EO/905 mailed 25 September 2009 was charged.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,411	06/21/2007	Warren Thomas Johnson	2005P11353WOUS	9133

28524 7590 01/07/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
ZALASKY, KATHERINE M

ART UNIT	PAPER NUMBER
1777	

MAIL DATE	DELIVERY MODE
01/07/2011	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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

Applicant: Johnson et al.
Appl. No.: 11/722,411
Filing Date: June 21, 2007
Title: CLEANING IN MEMBRANE FILTRATION SYSTEMS
Attorney Docket No.: 2005P11353WOUS
Pub. No.: US 2008/0203016 A1
Pub. Date: August 28, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 28, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 01/07/2011 KKING1
12/29/2010 INTEFSW 00003082 502762 11722411
01 FC:1504 300.00 CR

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SUITE 1501
NEW YORK NY 10017

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Spitzer et al.	:	
Application No. 11/722448	:	DECISION
Filing or 371(c) Date: 11/17/2009	:	ON PETITION
Patent No.: 8069904	:	
Issue Date: 12/06/2011	:	
Attorney Docket Number: SPITZER-2	:	

This is a decision on the "Request for Certificate of Correction Under 37 C.F.R. § 1.322," filed January 13, 2012, 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 properly treated as a petition under 37 CFR 3.81(b)[1].

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 name of SMS Siemag AG, is also an 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.

The fee for a Certificate of Correction, $100, has been charged to petitioner's deposit account.

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

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[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

23 SEP 2010

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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

In re Application of: Kelly, Michael, et al. U.S. Application No.: 11/722,514 PCT No.: PCT/US2007/006685 International Filing Date: 16 March 2007 Priority Date: 16 March 2006 Attorney's Docket No.: 2605-1-071PCT/US For: BICYCLOHETEROARYL COMPOUNDS AS P2X7 MODULATORS AND USES THEREFOR	DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the "Response To Decision Rendered On March 31, 2010 Under 37 CFR 1.42 and 1.497" filed 30 July 2010, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 31 March 2010. The decision dismissed without prejudice applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Yungeng FANG. Specifically, the decision noted that the declaration submitted by applicants did not include all required information regarding the deceased inventor and his legal representative. The decision also noted that the declaration executed by inventor Carl KAUB was unacceptable because it included hand-written alterations.

On 30 July 2010, applicants filed the "Response To Decision Rendered On March 31, 2010 Under 37 CFR 1.42 and 1.497" considered herein (with required two-month extension fee).

DISCUSSION

The present submission includes a revised declaration executed on behalf of deceased inventor Yunfeng FANG by the deceased inventor's legal representative, Jianhua HE. The revised declaration sets forth the citizenship of the deceased inventor and the citizenship, residence, and post office address of the legal representative. In view of the above, the revised declaration filed 30 July 2010 is acceptable under 37 CFR 1.42 and 1.497 with respect to deceased inventor Yunfeng FANG.

Applicants' present submission also indicates that "new Declaration of the Fifth Inventor, Carl Kaub, is also enclosed with no handwritten notations;" however, the 30 July 2010

submission only includes two pages of the new declaration from Mr. KAUB (specifically, page 1 and page 5). Applicants have therefore still not provided an acceptable declaration from the fifth inventor, Carl KAUB.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Yunfeng FANG is **GRANTED**.

Applicants have still, however, failed to submit an acceptable declaration executed by the fifth inventor, Carl KAUB.

Applicants have **ONE (1) MONTH** from the mail date of this decision to file a complete declaration executed by fifth inventor Carl KAUB that is acceptable under 37 CFR 1.497.

Extensions of time under 37 CFR 1.136(a) are **NOT** available with respect to this deadline.

Failure to file a timely and proper response will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or by mail 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.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 27 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Florian Ruker, et al.	:	DECISION ON PETITION
Application No. 11/722,517	:	TO WITHDRAW
Filed: June 28, 2007	:	FROM RECORD
Attorney Docket No. 4518-0117PUS1	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 26, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 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) 272-2991.

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

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Florian Ruker, et al.	:	DECISION ON PETITION
Application No. 11/722,517	:	TO WITHDRAW
Filed: June 28, 2007	:	FROM RECORD
Attorney Docket No. 4518-0117PUS1	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36, filed October 27, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 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) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Mr. Michael Fedrick**
225 South Lake Avenue
Suite 300
Pasadena, CA 91101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110119

DATE : January 19, 2011

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction on Patent No.: 7790174

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:

/GARY B NICKOL/
Supervisory Patent Examiner.Art Unit 1646

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of :
Vanderheijden et al. : DECISION ON PETITION
Application No. 11/722,557 :
Filed: May 15, 2008 :
Atty Docket No. 348162-983100 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 27, 2011.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to file a reply to the non-final Office action mailed June 22, 2011. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. No reply received and no extension of time obtained, the application became abandoned effective September 23, 2011. The filing of this petition precedes the mailing of a courtesy Notice of Abandonment.

On petition, petitioner submitted a reply in the form of an amendment; paid the petition fee; and made the required 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 $1270 extension of time fee submitted with the petition on December 27, 2011 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded.

Technology Center AU 2476 has been advised of this decision. The application is forwarded to the examiner for consideration of the amendment submitted on petition filed December 27, 2011.

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 12, 2011

TO SPE OF : ART UNIT 1771

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/722610 Patent No.: 8,002,970 B2

CofC mailroom date: 9-28-11

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: _____

_____

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: The proposed corrections present grammatical errors to the claims; they are incomplete sentences.

[signature] 1772
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

Date Mailed : November 2, 2011
Serial No. : 11/722610
Patent No. : 8,002,970 B2
Patent Issued : August 23, 2011
Inventor(s) : Patrick Euzen, et al.
Title : ZEOLITIC CATALYST WITH A CONTROLLED DOPING ELEMENT CONTENT, AND IMPROVED PROCESS FOR PROCESSING HYDROCARBON FEEDS

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..

Respecting the alleged error noted in your request, the proposed corrections present grammatical errors to the claims: they are incomplete sentences.

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

Magdalene Talley
For Mary Francis Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(571)272-0423
Fax 571-270-9942

Millen, White, Zelano & Branigan
Arlington Courthouse Plaza 1
2200 Clarendon Blvd., Ste 1400
Arlington, VA 222021

MD/mt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : November 18, 2011

TO SPE OF : ART UNIT 1771

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/722610 Patent No.: 8002970

CofC mailroom date: 11-09-11

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

Note: Reconsideration

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:

Jon Sub Bullock
SPE

1772
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/722,637	06/22/2007	Yves Fouillet	310913US2PCT	1787

22850 7590 02/02/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
NOGUEROLA, ALEXANDER STEPHAN

ART UNIT	PAPER NUMBER
1759	

NOTIFICATION DATE	DELIVERY MODE
02/02/2011	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

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

02/02/2011

wk

Mailed :	:	
In re Application of	:	DECISION ON
Fouillet et al.	:	PETITION
Serial No. 11/722,637	:	
Filed: June 22, 2007		
For: DROP DISPENSER DEVICE		

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on January 16, 2011 to consider the Information Disclosure Statement (IDS) that were filed on April 16, 2008. The IDS listed two US application numbers and the current application number of the present application. Applicants assert that 37 CFR 1.98 is not limited to documents or references. This rule requires the submission of "other information". Applicants further assert that the List of Related Cases identifies other applications that may be material to patentability, as discussed in MPEP 2001.06(b).

DECISION

Accordingly, the petition is **GRANTED**.

The individuals covered by 37 CFR 1.56 have a duty to bring to the attention of the Examiner, or other Office official involved with the examination of a particular application, information within their knowledge as to other copending United States applications which are "material to patentability" of the application in question. As set forth by the court in *Armour & Co. v. Swift & Co.*, 466 F.2d 767, 779, 175 USPQ 70, 79 (7th Cir. 1972). The Examiner is requested to consider the U.S. Applications that were cited on the April 16, 2008 IDS document. The Examiner was correct in lining through the instant application number as it will not be listed in the "References Cited" field on the face of the issued patent.

/W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

Philippe J.C. Signore, Ph.D.
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

27 AUG 2010

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Alexandria, VA 22313-1450
www.uspto.gov

SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 110
SILVER SPRING MD 20910

In re Application of	:	
FOELLER, et al.	:	
U.S. Application No.: 11/722,677	:	DECISION ON PETITION
PCT No.: PCT/EP05/56993	:	
Int. Filing Date: 21 December 2005	:	UNDER 37 CFR 1.183 AND
Priority Date: 23 December 2004	:	
Attorney Docket No.: 6036	:	RENEWED REQUEST
For: DEFRIBRILLATOR HAVING A SECURE	:	
DISCHARGING CIRCUIT COMPRISING AN	:	UNDER 37 CFR 1.42
H BRIDGE	:	

This decision is in response to applicant's renewed request for status under 37 CFR 1.42 and petition under 37 CFR 1.183 filed 11 January 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 September 2009, applicant was mailed a decision dismissing applicant's renewed request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 11 January 2010, applicant filed the petitions discussed herein accompanied by a petition for a two-month extension of time and payment of the extension of time fee. The response is considered timely filed.

I. Petition Under 37 CFR 1.183

37 CFR 1.183 provides that: "In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director...or on petition of the interested party, subject to such other requirements as may be imposed."

In the present case it is not possible to grant applicant's request to waive the requirement that the citizenship of the heirs be present on the signed declaration as this requirement is a statutory requirement. (35 U.S.C. 115). In addition, even were it possible to waive the requirement applicant has not provided a sufficient showing to conclude that seeking a newly executed declaration of the heirs is of such a burden that justice requires that the requirement be waived.

II. Renewed Request Under 37 CFR 1.42

As detailed in the decision mailed 10 September 2009, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Regarding the presentation of the citizenship of the deceased inventor. Applicant has presently filed a declaration listing all of the inventors which contains the citizenship of Mr. Cansell thus satisfying this item.

Applicant previously provided a supplemental declaration on 21 August 2009 signed by the heirs to the deceased inventor. However, the declaration as filed was noncompliant as the citizenship of the heirs was presented with a single "F." Applicant again requests that the "F" be recognized as identifying France as the country of citizenship of the heirs. Applicant's petition includes examples of various bodies which recognize the single letter F as signifying France. However, the WIPO Handbook on Industrial Property Information and Documentation details a recommended standard of two letter codes and lists Frances as "FR." Similarly, while applicant states that they know of no other situation in which the single letter "F" is the country code for any country other than France one cannot provide an exhaustive list in this situation and there are additional PCT member states which begin with the letter "F." (E.g., Finland and Fiji). Thus, if single letter country codes were acceptable it is not clear how citizens of these member states could be allowed to detail there citizenship with a single letter.

For these reasons, it is not possible to treat the filed declaration as having satisfied the citizenship requirement as to the signing heirs nor as a consequence grant applicant's renewed request for status under37 CFR 1.42 at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.183 is **DISMISSED** and the renewed request for status under 37 CFR 1.42 is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request For Status Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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

Shoemaker and Mattare, Ltd.
10 Post Office Road - Suite 110
Silver Spring, MD 20910

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FOELLER, et al. :
Application No.: 11/722,677 :
PCT No.: PCT/EP2005/56993 :
Int. Filing Date: 21 December 2005 :
Priority Date: 23 December 2004 :
Attorney Docket No.: 6036 :
For: DEFRIBILLATOR HAVING A SECURE :
DISCHARGING CIRCUIT COMPRISING :
AN H BRIDGE :

REQUEST FOR STATUS

UNDER 37 CFR 1.42

On 27 August 2010, applicant was mailed decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any intended response.

On 23 December 2010, applicant filed the present response and supplemental declaration accompanied by a petition for a two-month extension of time. A review of the filed declaration finds that it is in compliance with 37 CFR 1.497(a)-(b) and further to the decision of 27 August 2010, it properly lists all inventors, has been executed by inventors listed on the published international application as well as the legal representatives to the estate of deceased inventor. The declaration sets for the residence, mailing address and citizenship of the legal representatives and the deceased inventor and it is therefore proper to grant applicant's renewed request for status at this time.

The application has an international filing date of 21 December 2005 under 35 U.S.C. 363 and will be given a date of **23 December 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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

21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

MAILED

DEC 13 2010

PCT LEGAL ADMINISTRATION

In re Application of
KARLSSON *et al*
U.S. Application No.: 11/722,705
PCT No.: PCT/SE2005/002022
Int. Filing Date: 23 December 2005
Priority Date: 23 December 2004
Attorney Docket No.: 65852(54484)
For: DEVICE AND USE THEREOF

DECISION

This is a decision on applicants' "Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181" filed 13 July 2009. No fee is required.

BACKGROUND

On 22 June 2007, applicants filed papers to enter the national stage of PCT/SE2005/002022.

On 19 March 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a copy of the sequence listing in computer readable form (CRF) was required. A two-month time period for response was set with extensions of time available.

On 24 July 2008, applicants filed a response which included an executed declaration, a three-month extension and fee, and a sequence listing with a diskette.

On 29 January 2009, the Patent Electronic Business Center detected errors in the sequence listing and sent an error report.

On 12 March 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed indicating that a new CRF sequence listing diskette was required. Applicants were given one month to respond.

On 23 March 2009, applicants filed a response which included a new CRF sequence listing diskette.

On 07 May 2009, the Patent Electronic Business Center again detected errors in the sequence listing and sent an error report.

On 13 May 2009, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failing to timely respond to the Form PCT/DO/EO/905 by providing an acceptable CRF sequence listing.

On 13 July 2009, applicants filed the subject petition to withdraw the holding of abandonment.

DISCUSSION

Applicants' request that the holding of abandonment be withdrawn.

Applicants claim that the sequence listing filed 23 March 2009 was proper, and request that the Office enter the previously filed sequence listing.

A further review of the CRF sequence listing filed 23 March 2009 shows applicants are correct. The sequence listing filed 23 March 2009 is acceptable. The error report mailed 07 May 2009 was a mistake.

As such, the above-captioned application should not have been abandoned.

DECISION

Applicants' petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Form PCT/DO/EO/909 mailed 13 May 2009 is **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 December 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 24 July 2008.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

MAILED

SEP 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Timothy William Forster	:	
Application No. 11/722738	:	ON PETITION
Filing or 371(c) Date: 06/25/2007	:	
Attorney Docket Number:	:	
GRIZ0101PUSA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 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 7, 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). Accordingly, the date of abandonment of this application is 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 a Request for Continued Examination (RCE) and fee (and the submission required by 37 CFR 1.114); (2) the petition fee; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3643 for processing of the RCE and for appropriate action on the amendment by the Examiner in the normal course of business.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED
FEB 03 2012
OFFICE OF PETITIONS

In re Patent No. 7,959,930 :
Issue Date: June 14, 2011 :
Application No. 11/722,769 : DECISION ON PETITION
Filed: June 25, 2007 :
Attorney Docket No. 01975.0113-00 :

This is a decision on the Request Under 37 C.F.R. §3.81(b) For Correction Of Assignee's Name On An Issued Patent, filed November 7, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to add 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 urges that the present petition was submitted to add 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.

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 submitted with 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 (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,959,930.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

MAILED

MAR 22 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
GERNTHOLTZ	:	
Application No.: 11/722,771	:	
PCT No.: PCT/IB2007/050347	:	
Int. Filing Date: 5 February 2007	:	PETITION
Priority Date: NA	:	
Attorney's Docket No.: PO9236US00/SJW	:	
For: ORDERING METHOD AND SYSTEM	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION TO CORRECT/CONFIRM THE INTERNATIONAL NUMBER" filed on 24 January 2011, which is being treated as a petition under 37 CF 1.182 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/IB2007/050374. Petitioner has provided the petition fee of $400.00 by credit card.

BACKGROUND

In a communication from this Office on 12 January 2011, it indicated that applicant needed to correct the PCT serial number as the Transmittal Letter and the Electronic Acknowledge Receipt identified different international applications.

On 12 January 2011, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the priority number was incorrectly entered as PCT/IB07/050347 in the Transmittal Letter and that the correct serial number is PCT/IB07/050374.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/IB07/050347 rather than the correct number PCT/IB07/050374.

Although applicants entered the incorrect PCT serial number at the time of filing the application in the transmittal letter, the correct PCT/IB07/050374 was placed on the Electronic Acknowledge Receipt and on the specification. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/IB07/050374.

Therefore, petition to accept the correct PCT number of PCT/IB07/050374 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

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

With respect to the refund, applicant is mistaken that this is a minor error and can be quickly discovered. Applicant erroneously inputted the application number PCT/IB07/050347 during filing the national stage application. The USPTO is now correcting applicant's mistake by the mechanism afforded to applicant under 37 CFR 1.182, which requires a $400.00 petition fee. As a result, the request to refund the petition fee is **DISMISSED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450

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NOV 30 2011
OFFICE OF PETITIONS

STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON DC 20005

In re Application of	:	
Hee-Chan KIM et al.	:	ON PETITION
Application No. 11/722,781	:	
Filed: June 25, 2007	:	
Atty. Docket No.: 0289.1002		

This is a decision on the petition under 37 CFR 1.137(b), filed November 11, 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 June 24, 2009 (Office action), 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 September 25, 2009. A Notice of Abandonment was mailed March 8, 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 Response to the Office action mailed June 24, 2009, (2) a petition fee of $930, and (3) a statement of unintentional delay. The reply 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 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. 53131m 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 of 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 Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 1793 for consideration of the filed Response.

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 22,2011

In re Application of :

Robin Fairhurst

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11722835

Filed : 26-Jun-2007

Attorney Docket No : 093286-0179

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 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 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 1622 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11722835
Filing Date	26-Jun-2007
First Named Inventor	Robin Fairhurst
Art Unit	1622
Examiner Name	MARK BERCH
Attorney Docket Number	093286-0179
Title	ORGANIC COMPOUNDS

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 2011.08.22	
☐ 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	/Paul D. Strain/
Name	Paul D. Strain
Registration Number	47369

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JAN 04 2011

PCT LEGAL ADMINISTRATION

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

In re Application of ORWAR, Owe, et al. Application No.: 11/722,860 PCT No.: PCT/US2006/041864 Int. Filing Date: 25 October 2006 Priority Date: None Attorney Docket No.: 56885CIP3(47137) For: SYSTEMS AND METHODS FOR RAPIDLY CHANGING THE SOLUTION ENVIRONMENT AROUND SENSORS	NOTIFICATION

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 25 October 2006, applicants filed a Request form, description claims and drawings in the United States Receiving Office. The papers were assigned international application no. PCT/US2006/041864.

On 24 January 2007, the Office mailed Notification of Transmittal of Purported International Application to the International Bureau as Receiving Office and Invitation to Pay Fee (Form PCT/RO/151). The form indicated that the RO/US was not competent to receive the international application as the application lacked a resident or national qualified to file in the RO/US.

On 26 June 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers identified the filing as a national phase entry of PCT/US2006/041864.

DISCUSSION

To enter the national phase in the United States, applicant is required to state the international application number. "PCT/US2006/041864," is not an international application number, but merely a tracking number assigned to papers incorrectly filed in the RO/US.

Applicants are required to identify the international application number and to furnish a petition under 37 CFR 1.182 along with the fee to clarify the national phase identity of this application.

CONCLUSION

A proper response is required within **TWO (2) MONTHS** of the mailing of this notification. Failure to timely reply will result in the abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 26 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
ORWAR, Owe, et al.	:	
Application No.: 11/722,860	:	
PCT No.: PCT/IB2006/004236	:	
Int. Filing Date: 25 October 2006	:	DECISION
Priority Date: None	:	
Attorney Docket No.: 56885CIP3(47137)	:	
For: SYSTEMS AND METHODS FOR RAPIDLY CHANGING THE SOLUTION ENVIRONMENT AROUND SENSORS	:	

This is a decision on applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 24 February 2011.

BACKGROUND

On 04 January 2011, the Office mailed Notification, informing applicant that the papers filed on 26 June 2007 identified themselves as the national phase of an invalid international application number, PCT/US2006/041864. The papers had been transmitted to the International Bureau under PCT Rule 19.4.

On 24 February 2011, applicants filed this petition to correct the national phase information for the 26 June 2007 filing.

DISCUSSION

To enter the national phase in the United States, applicant is required to state the international application number. "PCT/US2006/041864," was merely a tracking number assigned to papers incorrectly filed in the RO/US.

Applicants have now identified these papers as the national phase of PCT/IB2006/004236 and have paid the fee for a petition under 37 CFR 1.182.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.182 to correct the national phase information for the above application is **GRANTED**.

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision, specifically processing as the national phase entry of PCT/IB2006/004236.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1400 Page Mill Road
Palo Alto CA 94304

MAILED

OCT 26 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
BYERS-HORNER, et al.	:	DECISION ON
U.S. Application No.: 11/722,967	:	
PCT No.: PCT/US2006/007353	:	RENEWED PETITIONS
Int. Filing Date: 27 February 2006	:	
Priority Date: 11 March 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: P5206R1	:	
For: NOVEL GENE DISRUPTIONS, COMPOSITIONS	:	AND 37 CFR 1.137(b)
AND METHODS RELATING THERETO	:	

This decision is in response to applicant's petitions filed 09 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 June 2010, applicant was a decision dismissing applicant's petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 09 August 2010, applicant filed the petitions considered herein. 08 August 2010 being a Sunday, the renewed petitions are timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

As detailed in the decision mailed 08 June 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied item (1). It is noted that inventors Joel Edwards and Allison Byers- Horner have now provided signed declarations. As such, the renewed petition under 37 CFR 1.47 applies on to the remaining non-signing inventor, Erin Massey.

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied items (1)-(3).

With regard to item (4), in response to the previous decision applicant has submitted complete declarations of all of the inventors. However, the discrepancy in the names of inventor Montgomery has not been addressed. Specifically, the eleventh inventor is identified as "Chuck Montgomery" on the published international application whereas the signed declaration lists the inventor as "Charles Montgomery." As this is more than a typographical or transliteration error a newly executed declaration and/or petition under 37 CFR1.182 to change the name of the inventor is required. (See MPEP section 605.04(b)). A copy of the front page of the published international application accompanies this decision.

For the reasons stated above, it is not possible to grant applicant's renewed petition under 37 CFR 1.47(a) at this time.

II. Renewed Petition Under 37 CFR 1.137(b)

As detailed in the decision mailed 08 June 2010, a petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (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" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant previously satisfied items 2-4.

With regard to item 1, applicant has yet to provide the proper reply in the form of a compliant oath or declaration executed by all inventors or a grantable petition under 37 CFR 1.47(a).

In light of the above, applicant's renewed petition under 37 CFR 1.137(b) cannot be granted.

CONCLUSION

Applicant's petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b) are **DISMISSED**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file renewed petitions. Any reconsideration request should include a cover letter entitled "Renewed Petitions Under 37 CFR 1.47(a) and 37 CFR 1.137(b)." No additional petition fees are required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed 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 or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20231
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JAN 07 2011

PCT LEGAL ADMINISTRATION

Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1400 Page Mill Road
Palo Alto CA 94304

In re Application of	:	
BYERS-HORNER, et al.	:	DECISION ON
U.S. Application No.: 11/722,967	:	
PCT No.: PCT/US2006/007353	:	RENEWED PETITIONS
Int. Filing Date: 27 February 2006	:	
Priority Date: 11 March 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: P5206R1	:	
For: NOVEL GENE DISRUPTIONS, COMPOSITIONS	:	AND 37 CFR 1.137(b)
AND METHODS RELATING THERETO	:	

This decision is in response to applicant's petitions filed 08 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 October 2010, applicant was a decision dismissing applicant's petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 08 November 2010, applicant filed the petitions considered herein. 08 August 2010 being a Sunday, the renewed petitions are timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

As detailed in the decision mailed 08 June 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied item (1)-(3).

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining item. Specifically, applicant has provided a copy of Form PCT/IB/306 showing that the first name of inventor Montgomery was changed from "Chuck" to "Charles" which is the name which appears on the signed declaration. As such, it is proper to grant applicant's renewed petition at this time.

II. Renewed Petition Under 37 CFR 1.137(b)

As detailed in the decision mailed 08 June 2010, a petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (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" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant previously satisfied items 2-4.

With regard to item 1, as detailed above, applicant has provided documentation which perfects the declaration filed 01 April 2010 and satisfied all four items for a grantable petition under 37 CFR 1.47(a) for proceeding without the signature of inventor Erin Massey. Therefore, the renewed petition under 37 CFR 1.137(b) is granted.

CONCLUSION

For the reasons discussed above, applicant's renewed petitions under 37 CFR 1.47(a) and 37 CFR1.137(b) are **GRANTED**.

The application has an international filing date of 27 February 2006 under 35 U.S.C. 363, and will be given a date of **09 August 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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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Ms. Erin Marie Massey
15596 Interstate 45.
S. #2702
Conroe, TX 77384

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of
BYERS-HORNER, et al.
U.S. Application No.: 11/722,967
PCT No.: PCT/US2006/007353
Int. Filing Date: 27 February 2006
Priority Date: 11 March 2005
Attorney Docket No.: P5206R1
For: NOVEL GENE DISRUPTIONS, COMPOSITIONS AND METHODS RELATING THERETO

Dear Ms. Massey:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
Arnold & Porter LLP
1400 Page Mill Road
Palo Alto CA 94304

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	11722985
Filing Date	06-Dec-2007
First Named Inventor	Kazuko Hirata
Art Unit	2617
Examiner Name	UN CHO
Attorney Docket Number	ARICHI0008
Title	Portable Radio Device Having Emergency Notifying Function, Emergency Notification Apparatus, and Emergency Notification System

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 24203

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

Certifications

☒ 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

☒ 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

☒ 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	Kazuko Hirata
Address	3-31-3 Ogikubo, Suginami-ku
City	Tokyo
State	
Postal Code	167-0051
Country	JP

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Joerg-Uwe Szipl/
Name	Joerg-Uwe Szipl
Registration Number	31799

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 : November 2,2011

In re Application of :

Kazuko Hirata

Application No : 11722985

Filed : 06-Dec-2007

Attorney Docket No : ARICHI0008

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 2,2011

The request is **APPROVED.**

The request was signed by Joerg-Uwe Szipl (registration no. 31799) on behalf of all attorneys/agents associated with Customer Number 24203 . All attorneys/agents associated with Cusotmer Number 24203 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 correspondence address:

Name Kazuko Hirata

Name2

Address 1 3-31-3 Ogikubo, Suginami-ku

Address 2

City Tokyo

State

Postal Code 167-0051

Country JP

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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Paper No.

KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Patent No. 8,073,450	:	
Sam Jiang	:	
Issue Date: December 6, 2011	:	
Application No. 11/723,132	:	NOTICE REGARDING DEFICIENCY
Filed: March 16, 2007	:	
Atty Docket No. 1291-075.101	:	

This is a notice regarding your letter received October 25, 2011, notifying the Office of loss of entitlement to small entity status and requesting acceptance of a fee deficiency submission as provided for in 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.

The instant request included an itemization and payment of $1695 for the deficiency in payment of fees.

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

Payment of the deficiency has been treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/723,152	03/16/2007	Shin-jun Lee	1901.1141	4051

21171 7590 09/22/2010
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
NGUYEN, PHU K

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
09/22/2010	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
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

MAIL

SEP 22 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Lee, Shin-Jun
Serial No.: 11/723,152
Filed: March 16, 2007
For: **POINT-BASED RENDERING APPARATUS, METHOD AND MEDIUM**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.84(a)(2) filed March 16, 2007, requesting the acceptance of color drawings.

The petition requests that the color drawings identified in Figures 12, 13, 14, 15, 16, 17A, 17B & 17C be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, 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 is **GRANTED**.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
AUG 09 2011
OFFICE OF PETITIONS

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

In re Application of	:	
KANG, et al	:	
Application No. 11/723,419	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. MR2863-290	:	

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 submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed March 4, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 7, 2011. A Notice of Abandonment was mailed 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 replacement drawings, (2) the petition fee of $810; and (3) a statement of unintentional delay.

The Examiner assigned to this application has accepted the replacement drawings filed on July 7, 2011.

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

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

December 16, 2011

Pillsbury Winthrop Shaw Pittman, LLP (NV)
PO Box 10500
McLean VA 22102

In re Application of	:	
Anatoly Chekhmir et al.	:	**DECISION ON PETITION**
Application No. 11723541	:	
Filed: 3/20/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 520763-0360573	:	***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 13, 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.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

MAR 08 2012

OFFICE OF PETITIONS

In re Patent No. 7,466,543 :
Issue Date: December 16, 2008 :
Application No. 11/723,766 : NOTICE
Filed: March 22, 2007 :
Attorney Docket No. WANG3402/EM :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on December 19, 2008.

The Office sincerely apologizes for the delay in replying to the above matter.

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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

PTO/SB/131 (02-10)
Approved for use through 07/31/2010. 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: 741946-062 US	
Application Number: 11/723,793	Filing Date (or 371(b) or (f) Date): 03-22-2007
Patent Number: 7,698,444	Issue Date: 04-13-2010
First Named Inventor: Victor I. Sheymov	
Title: SYSTEMS AND METHODS FOR DISTRIBUTED NETWORK PROTECTION	

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 /Carlos R. Villamar Reg. # 43224/	Date 20 SEP 10
Name (Print/Typed) Carlos R. Villamar	Registration Number 43224

***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.

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

The Villamar Firm PLLC
3424 Washington Drive
Falls Church, VA 22041

Mail Date: 09/23/2010

Applicant	: Victor I. Sheymov	: DECISION ON REQUEST FOR
Patent Number	: 7698444	: RECALCULATION of PATENT
Issue Date	: 04/13/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/723,793	: OF WYETH
Filed	: 03/22/2007	:
		:

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.

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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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
MAY 3 1 2011
OFFICE OF PETITIONS

In re Application of	:	
MURTHY	:	
Application No. 11/723,841	:	DECISION ON PETITION
Filed: March 22, 2007	:	
Attorney Docket No. 027585-001702US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 25, 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 March 21, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 21, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 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 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED
MAY 3 1 2011
OFFICE OF PETITIONS

In re Application of :
Nishigai, et el. :
Application No. 11/723,863 : DECISION
Filed/Deposited: 22 March, 2007 :
Attorney Docket No. 040894-7583 :

This is a decision on the petition filed on 16 February, 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 non-final Office action mailed on 225 June, 2010, with reply due absent extension of time on or before 25 September, 2010.

The application went abandoned by operation of law after midnight 25 September, 2010.

The Office mailed the Notice of Abandonment on 16 April, 2011.

On 16 February, 2011, 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.

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.

It appears that the requirements under the rule have been satisfied.

---

[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.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center 2433 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. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN G. CHUPA
LAW OFFICES OF JOHN CHUPA
AND ASSOCIATES, P.C.
SUITE 50
28535 ORCHARD LAKE RD.
FARMINGTON HILLS MI 48334

MAILED

AUG 1 2 2010

OFFICE OF PETITIONS

In re Application of	:	
John Joseph DUMAS	:	
Application No. 11/724,140	:	DECISION ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. 694-006	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 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 February 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 obtained. Accordingly, the application became abandoned on March 4, 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, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 3732 for appropriate action by the Examiner in the normal course of business.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01-14-12

TO SPE OF : ART UNIT 2166

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/724232 Patent No.: 8082262

CofC mailroom date: 12-20-11

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: _____

SPE /Hosain Alam/ **Art Unit** 2166

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01/10/12

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction for Appl. No.: 11724253 Patent No.: 7746387

CofC mailroom date: 01/04/12

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 be made?**

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

X **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: Entry approved.

/Jason Chan/ — AU2622

SPE — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01/10/12

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction for Appl. No.: 11724253 Patent No.: 7746387

CofC mailroom date: 01/04/12

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
[redacted]

Note: **Should the changes be made?**

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

X **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: Entry approved.

/Jason Chan/ — **SPE**

AU2622 — **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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/724,354	03/15/2007	Marcel Linschoten	13425-181001 / BV-1125	2105

26161 7590 10/11/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
WANG, SHENGJUN

ART UNIT	PAPER NUMBER
1627	

NOTIFICATION DATE	DELIVERY MODE
10/11/2011	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

United States Patent and Trademark Office

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

OCT 11 2011

Eifion Phillips, D. Phil.
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:
Linschoten et al	:Decision on Petition
Serial No.: 11/724,354	:
Filed : 15 March 2007	:
Attorney Docket No.: 13425-181001/BV-1125	:

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on 31 August 2011 requesting reconsideration of the restriction requirement mailed 25 September 2009.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration under restriction practice described in MPEP Chapter 800.

On 25 September 2009, the examiner set forth a restriction requirement which divided claims 1-32 into three groups based upon, for Group I, the compounds in dependent claims 7 and 21 (meant to be claim 22), for Group II, those in dependent claim 27 and for Group III, those disclosed in specification on page 55. A further election of species was required.

On 23 March 2010, applicants elected, with traverse, Group I, and the species of 3, 7, 11, 15-tetramethyl-2-hexadecan-1-ol.

On 10 June 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 10-12, 18 and 21-31 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-9, 13-17, 19-21, 32 and 33 were rejected under non-statutory double patenting over US Patent 7,294,652. Claims 1-9, 13-17, 19-21, 32 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by Holmdahl.

Applicants filed a response on 7 December 2010 in which claims 1-5, 7-20, 22-26 and 32 were present.

On 3 March 2011, the examiner mailed to applicants a final Office action. Claims 10-12, 18, 22-26 and 32 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1, 2, 4, 5, 7-9, 13-17, 19 and 20 were rejected under non-statutory double patenting over US Patent 7,294,652 in view of Holmdahl. Claims 1-5, 7-9, 13-17, 19 and 20 were rejected under 35 U.S.C. 103 as being unpatentable over Holmdahl.

On 31 August 2011, applicants filed this petition along with a Notice of Appeal and an amendment after final.

DISCUSSION

The file history and petition have been considered carefully.

At the onset, it is noted that restriction requirement improperly created groupings out of alternatives recited in the dependent claims and compounds disclosed in page 55 of the specification. This is improper for two reasons. First, the sum of the scope of Groups I, II and III is less than the scope of the originally filed generic claim 1. Second, while an election of species is permitted between disclosed embodiments, groups must be must be made with reference to the invention as claimed.

Next, it is noted that on 9 February 2011, the Office issued a Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines and guidance in MPEP 803.02, the restriction requirement between the embodiments of the Markush claims (Groups I-III) is found to be unwarranted and is hereby replaced with a provisional election of species requirement.

Turning now to the merits of the petition, the petition requests examination of Claim 32. This is persuasive. Claim 32 depends from examined Claim 1 and is not limited to non-elected species. Claim 32 is generic to all compounds encompassed by Claim 1 and as such, should be examined on the merits with Claim 1.

> 32. (withdrawn) The method of claim 1, wherein said composition is administered intra-dermally, intra-peritoneally, orally, or intra-nasally.

The petition requests examination of Claim 18. This is persuasive. A review of the search notes show that both farnesol and geranylgeraniol were searched. Claim 18 depends upon examined claim 7 and reads upon farnesol.

> 18. (withdrawn) The method of claim 7, wherein m + n = 2.

Finally, in the Office action dated 3 March 2011, the examiner took the position that some of the compounds would be obvious over each other. See for example,

> The Office Action alleged that "it would have been prima facie obvious to a person of ordinary skill in the art, at the time the claimed invention was made, to use 3,7,11-trimethyl-2,6,10-dodecatrien-l-ol; 3,7,11,15-tetramethyl-hexada-2,6,10,14-tetraen-l-ol, or 3,7,11,15-tetramethyl-hexadecan-l-ol instead phytol (3,7,11,15-tetramethyl-2-hexadecen-l-ol) in Holmdahl's method."

This is internally inconsistent with the restriction or election of species requirements and counter to MPEP 808.01(a).

> **Election of species should not be required between claimed species that are considered clearly unpatentable (obvious) over each other.** In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other. (Emphasis in original)

DECISION

For these reasons, the petition filed under 37 CFR 1.181 on 31 August 2011 is **GRANTED** follows.

The intra-claim restriction requirement made between Groups I-III on 25 September 2009 has been withdrawn and replaced with a provisional election of species requirement.

The finality of the Office action mailed 3 March 2011 is withdrawn.

Prosecution is re-opened. The amendment filed on 31 August 2011 will be entered for consideration.

Applicants may apply for a refund of their Notice of Appeal fees.

The application will be forwarded to the examiner's amended docket to prepare an Office action consistent with this petition decision, which examines at least claims 1-5, 7-8, 13-20 and 32 on the merits. Should any compounds be considered obvious over each other, the election of species requirement should be re-evaluated and withdrawn as appropriate. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

Remy Yucel
Director, Technology Center 1600

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

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Ernie Corrao, et al.	:	
Application No. 11/724,415	:	DECISION ON PETITION
Filed: March 15, 2007	:	
Attorney Docket No. 11180.09	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 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 April 28, 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). 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 .

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 $1,620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3775 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosures: Notice of Acceptance of Power of Attorney

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
11/724,415	03/15/2007	Ernie Corrao	11180.09

CONFIRMATION NO. 2954

POA ACCEPTANCE LETTER

25764
FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

OC000000046565771

Date Mailed: 03/15/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/27/2010.

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.

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Tsuchiya Patent Office
Attn: Masaru Tsuchiya
Eiwa Bldg.
9-18 Nishishinjuku 1-Chome
Shinjuku-Ku 160-0-023
JAPAN

MAILED
NOV 04 2011
OFFICE OF PETITIONS

In re Patent No. 7,376,981	:	
Issue Date: May 27, 2008	:	
Application No.: 11/724,437	:	NOTICE
Filed: March 15, 2007	:	
Attorney Docket No.: 316408-600015 (579510-610 // 048709.005	:	

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

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.

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

CC: DALE LISCHER
SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREET STREET, N.E.
ATLANTA GA 30309-3592

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 5,2011

In re Application of :

Kazuhiko Fuchimoto

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11724438

Filed : 15-Mar-2007

Attorney Docket No : P2301US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 5,2011 , 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 2854 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11724438
Filing Date	15-Mar-2007
First Named Inventor	Kazuhiko Fuchimoto
Art Unit	2854
Examiner Name	ANDY PHAM
Attorney Docket Number	P2301US
Title	IMAGE FORMING APPARATUS

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	/Gerald E. Hespos/
Name	Gerald E. Hespos
Registration Number	30066

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HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY MI 48098

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Pantas Sutardja, et al.	:	
Application No. 11/724,549	:	DECISION ON PETITION
Filed: March 15, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. MP1175.C1	:	

This is a decision on the petition, filed August 19, 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 July 17, 2007, March 24, 2009 and June 23, 2009. 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 December 8, 2011 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 2114 for examination in due course.

/Terri Johnson/
Terri Johnson
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
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
11/724,549	03/15/2007	Pantas Sutardja	MP1175.C1

CONFIRMATION NO. 3857

26703
HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

NONPUBLICATION RESCISSION LETTER

OC000000049543507

Date Mailed: 08/29/2011

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 12/08/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] 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".

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 15 2011

OFFICE OF PETITIONS

Mr. Edward J. Trimmer
Suite 205
121 East Front Street
Traverse City, MI 49684

In re Application of	:	
Kevin LYNCH et al.	:	DECISION GRANTING PETITION
Application No. 11/724,607	:	UNDER 37 CFR 1.181
Filed: 15 March 2007	:	
Atty Docket No. NU 25111		

This is a decision on the petition under 37 CFR 1.181, originally filed 24 March 2010 and subsequently 30 April 2010, to revive the above-identified Application.

The petition is **GRANTED**.

Petitioner requests the Notice of Abandonment mailed March 17, 2010 for failure to respond to the final Office action mailed August 10, 2009 be withdrawn as petitioner timely filed a response. A review of record indicates that the original copy of the response is now in the file and was timely filed on February 1, 2010 with a certificate of mailing of January 27, 2010.

As the application had been previously held abandoned the extension of time fee of $555 filed June 21, 2010 is being refunded to petitioner by Treasury Check.

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

The application file will be referred to Technology Center Art Unit 3651 for further processing of the Appeal Brief filed June 21, 2010.

Ramesh Krishnamurthy

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
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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

MAILED

MAY 23 2011

PCT LEGAL ADMINISTRATION

In re Application of
MANARESI, et al.
Application No. 11/724,697
Filed: March 16, 2007
Attorney Docket No. STOR-1-0402

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 14 March 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 concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED** without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed 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).

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 fails to comply with item (1) above.

The reference to add the prior-filed applications on page one following the first sentence of the specification 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).

Furthermore, MPEP 201.11, Section III. C., states in relevant part, "The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A." (Emphasis added.)

In the present case, the intermediate application 11/651,313 does not contain a proper reference to international application PCT/EP2005/053235 in compliance with 37 CFR 1.78(a)(2(iii).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, the above matters must be corrected.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail 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 matter may be directed to Derek A. Putonen at (571) 272-3294.

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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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STONEMAN LAW PATENT GROUP
P.O. BOX 40070
PHOENIX AZ 85067-0070

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Patent No. 7,974,715	:	
Issued: July 5, 2011	:	
Application No. 11/724,729	:	ON PETITION
Filed: March 16, 2007	:	
Attorney Docket No. P08167-3-T	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 24, 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**.

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

/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
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MAILED
JUN 29 2011
OFFICE OF PETITIONS

FURR LAW FIRM
2622 DEBOLT ROAD
UTICA OH 43080

In re Application of	:	
William H. Burckholter, et al.	:	
Application No. 11/724,776	:	ON PETITION
Filed: March 16, 2007	:	
Attorney Docket No. 31870/04001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 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 October 19, 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 January 20, 2010. The Notice of Abandonment was mailed April 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 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) 272-2991.

This application is being referred to Technology Center AU 2612 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.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

FREDRIKSON & BYRON, P.A.
INTELLECTUAL PROPERTY GROUP
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
John Ruprecht : DECISION ON PETITION
Application No. 11/724,883 :
Filed: March 16, 2007 :
Attorney Docket No. 58024.1.4 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed August 15, 2011.

The petition is **GRANTED**.

On January 21, 2011, a non-final Office action was sent 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 filed and no extension of time obtained, the application became abandoned effective April 22, 2011. A courtesy Notice of Abandonment was sent on August 22, 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 1777 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment submitted on petition filed August 15, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Scott A. Whitaker, Ph.D., J.D. -Sr.
Intellectual Property Counsel
BioNumerik Pharmaceuticals, Inc.
8122 Datapoint Drive, Suite 1250
San Antonio TX 78229

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application:	:	
Frederick H. Hausheer	:	
Application No. 11/724,933	:	NOTICE
Filed: March 16, 2007	:	
Attorney Docket No. X-0257	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 2, 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 Technology Center 1611.

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

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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GMG Intellectual Property Law
378 Cambridge Avenue, Ste. N
Palo Alto CA 94306

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of :
Okada et al. :
Application No. 11/724,952 :
Filed: March 15, 2007 :
Attorney Docket No.16869Q-203800US :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2010, 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 July 28, 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 October 29, 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 payment of the $1510 issue and publication fees 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 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

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.
11/724,979	03/16/2007	Mark R. Chaney	CAVP:104US	4517

49003 7590 01/31/2011
MICHAEL L. DUNN
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221

EXAMINER
LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
1723	

MAIL DATE	DELIVERY MODE
01/31/2011	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

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1/31/2011

wk

Mailed :

In re Application of	:	DECISION ON
Chaney et al.	:	PETITION
Serial No. 11/724,979	:	
Filed: March 16, 2007	:	
For: WEAR RESISTANT CERAMIC COATED ALUMINUM ALLOY ARTICLE AND METHOD FOR MAKING SAME		

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on November 30, 2010.

The Examiner initially required a restriction on March 31, 2010 between Group I, claims 1-7, drawn to a method of making classified in class 427, subclass 430.1 and Group II, claims 8-27 drawn to a article classified in class 428, subclass 469. Applicants elected Group I with traverse on April 29, 2010.

The Examiner found that Inventions I and II are related as a process of making and product made. The inventions are distinct if either or both of the following can be shown: (A) that the process *as claimed* is not an obvious process of making the product and the process as *claimed* can be used to make another materially different product; or (B) that the product *as claimed* can be made by another materially different process. The Examiner set forth the position that the product could be made by a materially different method. Instead of making the article as claimed, the ceramic coating can be formed on the aluminum alloy article through the use of sputtering.

If Applicant convincingly traverses the requirement, the burden shifts to the Examiner to document a viable alternative process or product, or withdraw the requirement. Applicants assert that nothing is added to the surface as in sputtering or coating but rather the surface is oxidized in a unique way using an alternating current through an alkali metal hydroxide electrolyte. The Examiner did not find this persuasive because other processes such as sputtering are capable of forming a coating which is mutually embedded on inter-diffused with the article being coated. The Examiner cited US 6,176,982 as an example in which a sputtering process is carried out in such a manner that elements of the metallic article being coated are inter-diffused with the protective coating.

If there is an express admission that the claimed inventions would have been obvious over each other within the meaning of 35 U.S.C. 103, restriction should not be required. *In re Lee,* 199 USPQ 108 (Comm'r Pat. 1978). Applicants' admission that *"the claims are not patentable over each other. This is not an admission that any of the claims are*

unpatentable over the same prior art" is not the same as if the inventions would have been obvious over each other within the meaning of 35 U.S.C. 103.

For purposes of the initial requirement, a serious burden on the Examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant. Applicants have not done this.

The position of the Examiner is reasonable.

DECISION

The petition is **DENIED**.

/W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

MICHAEL L. DUNN
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE NY 14221

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN L. CHIATALAS
50325 ANN ARBOR ROAD
PLYMOUTH MI 48170

MAILED

DEC 06 2011

OFFICE OF PETITIONS

In re Application of :
VALLA, JOSEPH R. :
Application No. 11/724,980 : DECISION ON PETITION
Filed: 03/16/2007 :
Attorney Docket No. P-301NP (Valla) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 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 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. A Notice of Abandonment was mailed on February 28, 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, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3775 for appropriate action by the Examiner on the reply received on November 9, 2011.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No.

MORGAN LEWIS & BOCKIUS LLP (WA)
KAREN CATALANO
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Demarco et al.	:	
Application No. 11/724,987	:	DECISION ON PETITION
Filed: March 16, 2007	:	PURSUANT TO
Attorney Docket No. 067831-5001-US	:	37 C.F.R. § 1.137(B)
Title: METHODS AND SYSTEMS FOR DISPLAYING VIDEOS WITH OVERLAYS AND TAGS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 18, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed December 9, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 10, 2011. A notice of abandonment was mailed on July 5, 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.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. 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, 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 amendment that was received on August 18, 2011 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 this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED
SEP 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Bhagwat et al.	:	ON REQUEST FOR
Application No. 11/724992	:	RECONSIDERATION OF
Filing or 371(c) Date: 03/16/2007	:	PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
011825-003-999	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed June 8, 2010. Applicant submits that the proper patent term adjustment to be indicated on the patent should be increased by 185 days to a total of 521 days, not 336 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 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 specific to this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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[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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIOTECH BEACH LAW GROUP , PC
5677 OBERLIN DRIVE, SUITE 204
SAN DIEGO, CA 92121

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Xiao Xu, et al.	:	
Application No. 11/725,040	:	DECISION ON PETITION
Filed: March 15, 207	:	
Attorney Docket No. ACE-00102.P.2-US	:	

This is a decision on the petition under 37 CFR 1.182, filed July 28, 2011, 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.

Telephone inquiries regarding this decision should be directed to the April M. Wise at (571) 272-1642. All other inquiries regarding this application should be directed to the Office of Data Management at their hotline.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/725,040	03/15/2007	1775	1475	ACE-00102.P.2-US	49	1

CONFIRMATION NO. 4117

CORRECTED FILING RECEIPT

59538
BIOTECH BEACH LAW GROUP , PC
5677 OBERLIN DRIVE, SUITE 204
SAN DIEGO, CA 92121

OC000000049447494

Date Mailed: 08/22/2011

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)

Xiaobo Wang, San Diego, CA;
Yama Abassi, San Diego, CA;
Xiao Xu, San Diego, CA;
Jiangbo Gan, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number 59538

Domestic Priority data as claimed by applicant

This application is a DIV of 10/987,732 11/12/2004 PAT 7,192,752
which is a CIP of 10/705,447 11/10/2003 PAT 7,470,533
which claims benefit of 60/435,400 12/20/2002
and claims benefit of 60/469,572 05/09/2003
and said 10/987,732 11/12/2004
is a CIP of 10/705,615 11/10/2003 PAT 7,459,303
which claims benefit of 60/469,572 05/09/2003
and claims benefit of 60/435,400 12/20/2002
and said 10/987,732 11/12/2004
claims benefit of 60/519,567 11/12/2003
and claims benefit of 60/542,927 02/09/2004
and claims benefit of 60/548,713 02/27/2004

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: 04/18/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/725,040**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

REAL TIME ELECTRONIC CELL SENSING SYSTEM AND APPLICATIONS FOR CELL-BASED ASSAYS

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

August 2, 2011

BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND IN 46601

Re Application of
ROTH, GEOFFREY N., et al.
Application: **11/725088**
Filed: **03/16/2007**
Attorney Docket No: **587-004**

: **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) March 16, 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 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
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GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO IL 60601-1732

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Donald A. Rimdzius, et al.	:	DECISION ON PETITION
Application No. 11/725,100	:	TO WITHDRAW
Filed: March 16, 2007	:	FROM RECORD
Attorney Docket No. **113005.010700**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed November 10, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Volstar Technologies, Inc.**
1320 Tower Road
Schaumburg, IL 60601

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GREENBERG TRAURIG, LLP
77 West Wacker Drive
Suite 3100
Chicago, IL 60601-1732

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Donald A. Rimdzius, et al.	:	
Application No. 11/725,100	:	DECISION ON PETITION
Filed: March 16, 2007	:	TO WITHDRAW
Attorney Docket No. 113005.010700	:	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 3, 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 David L. Newman 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 Notice of Allowance and Fee(s) Due mailed January 4, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **AEROBIC WATER WORKS, LLC**
1320 Tower Road
Schaumburg, IL 60173

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
11/725,100	03/16/2007	Donald A Rimdzius	113005.010700

CONFIRMATION NO. 4325

POWER OF ATTORNEY NOTICE

34018
GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO, IL 60601-1732

OC000000045347756

Date Mailed: 01/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/03/2011.

- 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.

/tsjohnson/

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

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STEPTOE & JOHNSON - ACCLARENT, INC.
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

MAILED
NOV 15 2011
OFFICE OF PETITIONS

In re Application of	:	
GOLDFARB et al.	:	
Application No. 11/725,151	:	DECISION DISMISSING PETITIONS
Filed: March 13, 2007	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No.: 83529.0024	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed November 3, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

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 and 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 where there is a question whether the delay was unintentional.

The petition does not comply with items (1) and (3).

In regards to item (1), the reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire

chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. Here, application serial no. 11/647,530 states that it is a continuation-in-part of application serial no. 11/193,020. The chain of priority must follow the chain of priority in parent application serial number 11/647,530, i.e. line 3 of the amendment should state "and U.S. Patent Application Serial No. 11/647,530 is also." *See* MPEP Section 201.11 III.C., Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

In regards to item (3), the delay in claiming priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be unintentional. Petitioner states the original priority claims were deleted on October 31, 2007 in response to the proposed Rules published August 2007 in the Federal Register. To preempt the proposed rules, applicant deleted the priority claim. It is noted that the proposed rules were never enacted by the U.S. Patent and Trademark Office (USPTO). On September 21, 2009 the USPTO withdrew the Continuation Rules published in August 2007.

Petitioner acting through his then counsel deliberately deleted the priority claim. Petitioner's assertion that applicant argued the application was entitled to the priority claim during prosecution does not establish that the delay was unintentional. As set forth in the Manual of Patent Examining Procedure at 201.11 III.G:

> A cancellation of a benefit claim to a prior application may be considered as a showing that the applicant is intentionally waiving the benefit claim to the prior application in the instant application. If the applicant later files a petition to accept an unintentionally delayed claim to add the benefit claim to the prior application in the same application from which the benefit claim was canceled, the Office may refuse to accept such benefit claim because the delay was not unintentional.

Amendment of the present application to include the priority claim deleted is not appropriate since petitioner has not demonstrated that the deletion of the priority claim was unintentional.

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 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, petitioner must notify the Office.

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 Jose' G Dees at (571) 272-1569.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ROBERT W. BERGSTROM
OLYMPIC PATENT WORKS PLLC
PO BOX 4277
SEATTLE, WA 98194-0277

MAILED

NOV 10 2010

OFFICE OF PETITIONS

In re Application of
Mark E. Phillips
Application No. 11/725,181
Filed: March 16, 2007
Attorney Docket No. 35073.005

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed October 5, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number. Practitioners must withdraw in the same manner that they were appointed.

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: STEVE SHCWEICKERT
HUNTS POINT VENTURES, INC.
3644 HUNTS POINT ROAD
HUNTS POINT, WA 98004

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JAN 06 2011

OFFICE OF PETITIONS

KAJANE MCMANUS
550 MARINA PARKWAY
SUITE E2, PMB 88
CHULA VISTA, CA 91910

In re Application of Schroeder et al.	:	
Application No. 11/725,198	:	Decision on Petition
Filing Date: March 19, 2007	:	
For: Secure Post	:	

This is a decision on the petition under 37 CFR 1.137(b) filed September 23, 2010, which requests revival of the above-identified application.

The petition is **granted**.

Background

The Office mailed a Notice of Allowance on October 1, 2009. The Notice required the submission of $755 for the issue fee and $300 for the publication fee. The Notice set a statutory period for reply of three (3) months.

A reply to the Notice of Allowance was filed December 10, 2009. The reply consisted of a check for $1,055 and an issue fee transmittal sheet.

The check was not honored by the bank based on the check being drawn to a closed bank account. As a result, the application became abandoned on Tuesday, January 5, 2010.

The Office mailed a Notice of Abandonment on January 6, 2010.

A petition under 37 CFR 1.181 to withdraw the holding of abandonment was filed March 1, 2010. The petition includes a new check for $1,055 and requests the Office withdraw the holding of abandonment.

A decision dismissing the March 1, 2010 petition was mailed July 23, 2010.

The instant petition was filed September 23, 2010.

Discussion

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied:

1. A reply to the Notice of Allowance in the form of payment of the issue fee and publication fee was filed March 1, 2010;
2. The required $810 petition fee, and
3. The required statement of unintentional delay.

The petition is granted and the application is hereby revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Exxon Mobil Research and Engineering Company
P. O. Box 900
Annandale NJ 08801-0900

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Arjun Kumar Goyal et al.	:	
Application No. 11/725,226	:	DECISION ON PETITION
Filed: March 16, 2007	:	
Attorney Docket No. JJA-0704	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2010, to revive the above-identified application.

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 Liza Montalvo 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 in whose behalf he acts. If, Liza Montalvo 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 Liza Montalvo, 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 27, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 27, 2009. Accordingly, the date of abandonment of this application is October 28, 2010.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (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.

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

cc: Liza Montalvo
1545 Route 22 East
Annandale, NJ 08801-0900

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.
11/725,289	03/19/2007	Takao Ohnishi	791_310	5256

25191 7590 02/15/2011
BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

EXAMINER
CARLEY, JEFFREY T.

ART UNIT	PAPER NUMBER
3729	

MAIL DATE	DELIVERY MODE
02/15/2011	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, D.C. 20231
www.uspto.gov

BURR & BROWN
Attention: BURR, STEPHEN
PO BOX 7068
SYRACUSE NY 13261-7068

In re Application of: OHNISHI ET AL.	)	
Application No. 11/725,289	)	
Filed: March 19, 2007	)	
For: MANUFACTURING METHOD OF PIEZOELECTRIC/ELECTROSTRICTIVE DEVICE	)	**DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(a)(2) TO ACCEPT COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. ∋ 1.84(a)(2), filed March 19, 2007, requesting acceptance of color drawings. The petition requests that all the drawings, which are in color, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. ∋ 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, 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 filed with the required fee and 3 (three) sets of color drawings of figures 7 and 8. The specification, via preliminary amendment filed 5/14/07, contains the required notification described above.

Applicant's submission does meet all the criteria set out above. Accordingly, the petition is **GRANTED**.

/Derris H. Banks/
Derris H. Banks
SPE, Art Unit 3729
Technology Center 3700
(571) 272-4419

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 17 2011

OFFICE OF PETITIONS

Lauson & Tarver LLP
880 Apollo Street
SUITE 301
El Segundo CA 90245

In re Application of	:	
Trevor NATHANIEL	:	DECISION GRANTING PETITION
Application No. 11/725,302	:	UNDER 37 CFR 1.137(b)
Filed: March 19, 2007	:	
Atty. Docket No.: 22220-002	:	

This is a decision on the petition under 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 nonfinal Office action mailed February 26, 2009 ("outstanding Office action"), which set a statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application thus became abandoned on May 27, 2009, with notification mailed on August 31, 2009.

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 petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of $810, 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 Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 2832 for further action on the filed Response.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/16/10

Paper No.: ——

TO SPE OF : ART UNIT 2885

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/725316 Patent No.: 7731377B2

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: _____

JONG-SUK (JAMES) LEE
SUPERVISORY PATENT EXAMINER
AU 2885

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
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.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,731,377 B2

APPLICATION NO.: 11/725,316

ISSUE DATE: : June 8, 2010

INVENTOR(S) : Koji MORIYA ; Takeshi NISHI

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:

In The Drawings:

FIG. 6:

Change reference no. "201a" to -- 201b --.

Change reference no. "201b" to -- 201a --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Mark J. Murphy
Husch Blackwell LLP Welsh Katz
120 South Riverside Plaza, Suite 2200
Chicago, Illinois 60606
(312) 655-1500

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.

American LegalNet, Inc.
www.USCourtForms.com

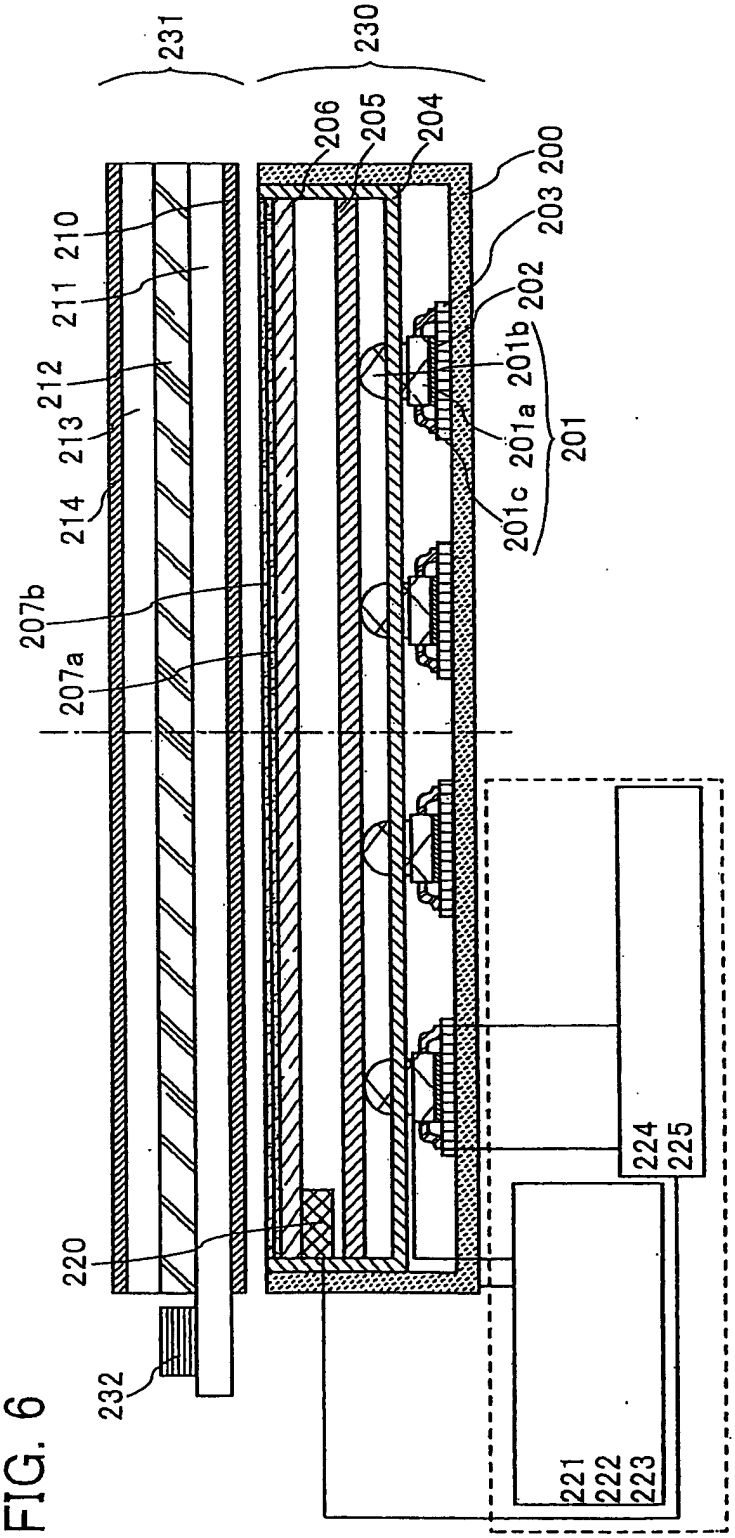
231
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FIG. 6

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

EMC CORPORATION
OFFICE OF THE GENERAL COUNSEL
176 SOUTH STREET
HOPKINTON MA 01748

MAILED
SEP 02 2011
OFFICE OF PETITIONS

In re Application of

Gasser, et al. :
:
Application No. 11/725,346
: DECISION ON PETITION
Filed: March 19, 2007
:
Attorney Docket No. **EMC-07-004**

This is a decision on the petition under 37 CFR §1.137(b), August 18, 2011, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1,510.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed May 6, 2011. 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 Augus 7, 2011. A Notice of Abandonment was mailed August 24, 2011.

The issue fee was received August 18, 2011.

Form PTOL-85B, filed August 18, 2011, is noted.

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

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

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

MAILED

JAN 14 2011

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,633,130	:	
Issue Date: December 15, 2009	:	
Application No. 11/725,350	:	
Filed: March 19, 2007	:	
Patentee(s): Tobin J. Marks, et. al.	:	

This is a decision on the petition filed October 21, 2010, which is being treated as a request under 37 CFR 3.81(b)[1], to add the name of an additional 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 for 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 (571) 272-4200.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See Official Gazette of June 22, 2004*

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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PIONEER PATENT, LLC
P. O. BOX 128
NORTHBROOK IL 60065-0128

MAILED
OCT 29 2010
OFFICE OF PETITIONS

In re Application of
Alexander GOBLIN, et al.
Application No. 11/725,369
Filed: March 19, 2007
Attorney Docket No. LEO-sleep 20411

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 August 19, 2009. The Office action set a period for reply of three (3) months from the mail date thereof. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on November 20, 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 - 4914.

This application is being referred to Technology Center Group Art Unit 2612 for appropriate action in the normal course of business on the reply received.

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
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Paper No.

Sterne, Kessler, Goldstein & Fox PLLC
1100 New York Avenue, NW
Washington DC 20005

MAILED
JAN 31 2011
OFFICE OF PETITIONS

In re Application of :
Ahmed et al. :
Application No. 11/725,563 :
Filed: March 20, 2007 :
Atty Docket No. :
2710.0640002/JUK/SMW/JOK :
Title: FLEXIBLE, COMPRESSED :
INTRAVAGINAL RINGS, METHODS :
OF MAKING AND USING THE SAME, :
AND APPARATUS FOR MAKING THE :
SAME :

DECISION
ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. § 1.705(b)," filed January 5, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is six hundred and forty-two (642) days, not five hundred and four (504) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction partly on the basis that the Office will take in excess of three years to issue this patent. In addition, Applicant contends that one period of examination delay was improperly calculated.

To the extent that 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 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 fee.[1]

---

[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.

To the extent that Applicant otherwise requests reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the request is **DISMISSED**.

A response to a non-final rejection was received on January 27, 2010, and a first notice of allowance was mailed four months and 62 days later, which constitutes 62 days of examination delay, pursuant to 37 C.F.R. § 1.702(a)(2). A second notice of allowance was mailed on October 6, 2010, which is 132 days after the four-month anniversary of the submission of the January 27, 2010 response. The Office accorded an adjustment of 62 days, as the first notice of allowance was not timely mailed. Applicant argues that an adjustment of 132 days should have been accorded.

Applicant has indicated that any patent issuing from the application is not subject to a terminal disclaimer.[2]

Applicant's argument has been considered and has been found to be unpersuasive. In light of the application history, it has been determined that the period of adjustment for Office delay pursuant to 37 C.F.R. § 1.702(a)(2) was properly accorded. It is undisputed that the Office mailed an action under 35 U.S.C. 132 in the form of a notice of allowance on July 28, 2010, which is four months and 62 days after the reply under 37 C.F.R. 1.111 filed January 27, 2010. The subsequent mailing of another notice of allowance under 35 U.S.C. 151 does not alter the date used in the calculation of the period of adjustment. Pursuant to 35 U.S.C. 154(b)(1)(A)(ii), applicants are only entitled to day-to-day restoration of term lost as a result of delay created by the Office, after four months from the filing of the reply under 37 C.F.R. 1.111 or appeal taken. The fact that the Office later withdrew the first notice of allowance does not negate the fact that the Office took action within the meaning of 37 C.F.R. 1.702(a)(2) on July 28, 2010. Thus, it is correct for the Office to use the date of July 28, 2010 in calculating the period of adjustment, if any, due to the examination delay pursuant to 37 C.F.R. 1.702(a)(2) and 1.703(a)(2). See Changes to Implement Patent Term Adjustment under Twenty-year Patent Term; Final Rule, 65 Fed. Reg. **56366** (September 18, 2000). Accordingly, the period of adjustment to the patent term pursuant to 37 C.F.R. 1.702(a)(2) will not be changed from 62 to 132 days.

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[2] Petition, page 4.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance remains 504 days.

The $200.00 fee set forth in 37 C.F.R. § 1.18(e) will be charged to Deposit Account No. 19-0036 in due course, as authorized on the fourth page of this petition. 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).

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 decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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REMENICK PLLC
1025 THOMAS JEFFERSON STREET, NW
WASHINGTON DC 20007

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Brandle et al.	:	
Application No. 11/725,574	:	DECISION ON PETITION
Filed: March 19, 2007	:	
Attorney Docket No. 8233.004.US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 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 October 14, 2009, as required by the Notice of Allowance and Fee(s) Due mailed July 14, 2009. Accordingly, the date of abandonment of this application is October 15, 2009. A Notice of Abandonment was mailed October 29, 2009.

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.

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

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

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

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

GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK CA 94025-1105

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:	
ABHYANKER	:	
Application No. 11/725,652	:	DECISION ON PETITION
Filed: March 19, 2007	:	TO WITHDRAW
Attorney Docket No. DMP 0010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, 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 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(c).

Petitioner has not complied with items (1) and (3) of the above-identified certifications.

Further, the request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. 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. Any change of address to an attorney or firm must be accompanied by a proper power of attorney.

A review of the Office record does not indicate a power of attorney to the Customer Number indicated on the Request for Withdrawal as Attorney or Agent filed September 16, 2011. In this regard, absent a proper of attorney, the Request 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

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. : 8,050,795 B2
Ser. No. : 11/725,662
Inventor(s) : Dollens
Issued : Nov. 1, 2011
Title : CONVEYOR DRIVE CONTROL SYSTEM
Docket No. : 66724-0001
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

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

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.
11/725,668	03/20/2007	Harkirat Singh	SAM2B.PAU.57	6536

97001 7590 01/10/2012
Myers Andras Sherman & Zarrabian LLP
(Samsung R&D Center)
1411 5th Street, Suite 306
Santa Monica, CA 90401

EXAMINER
LIM, STEVEN

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/10/2012	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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Myers Andras Sherman & Zarrabian LLP
(Samsung R&D Center)
1411 5th Street, Suite 306
Santa Monica CA 90401

In re Application of
SINGH, HARKIRAT et al
Appl. No.: 11/725,668
Filed: March 21, 2007
For: **METHOD AND SYSTEM FOR TRANSMISSION OF UNCOMPRESSED VIDEO OVER WIRELESS COMMUNICATION CHANNELS**

DECISION ON PETITION UNDER 37 CFR 1.59

This is a decision on the petition filed October 4, 2011, to expunge information from the above identified application pursuant to 37 CFR 1.59(b).

The petition is **Granted**.

Petitioner requests that the item listed, CAETANO, L., "SiBEAM - 60 GHz Architecture for Wireless Video Display," SiBEAM, Inc., March 2006, pp. 1-6, White Paper, United States,, in the Information Disclosure Statement filed October 4, 2011 be expunged from the record. Petitioner states that the information submitted is proprietary material and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17 has been paid.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been closed from the electronic file.

Any inquiry regarding this decision should be directed to Wellington Chin, Quality Assurance Specialist, at (571) 272-3134.

/Wellington Chin/

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles Muserlain
317 Bliss Lane
Valley Cottage NY 10989

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Rao Dharamaraj Ramchandra et al.	:	
Application No. 11/725,681	:	ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. **285.134**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 29, 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 30, 2009.

The petition is hereby **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) (3).

As to item (3)

Petitioner is required under 37 CFR 1.137(b) to provide) 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. Therefore, since the instant petition does not contain the above mention statement the application cannot be granted at this time. Petitioner is strongly encouraged to use the enclosed Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) form PTO/SB/64.

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 571-272-4584

JoAnne Burke
Petitions Examiner
Office of Petitions

Enclosure: Blank Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) form PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles Muserlain
317 Bliss Lane
Valley Cottage NY 10989

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Rao Dharamaraj Ramchandra et al.	:	
Application No. 11/725,681	:	ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. **285.134**	:	

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

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. Charles A. Muserlain 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 in whose behalf he acts. If, Mr. Charles A. Muserlain desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (Notice) of June 29, 2010, which set a one (1) month or thirty (30) days whichever is longer. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 30, 2010.

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 an amendment previously filed January 18, 2011, (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 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 10017

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of
Jay Chun
Application No. 11/725,719
Filed: March 19, 2007
Attorney Docket No. 89222.2

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, 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 Fariba Sirjani on behalf of himself. Accordingly, Fariba Sirjani associated with the above-identified application has been withdrawn as attorney of record in the above-identified application.

The correspondence address of record remains unchanged.

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.

Currently, there is no outstanding Office action that requires a reply.

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: Fariba Sirjani
925 Delaware Avenue, Apt 9C
Buffalo, NY 14209

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/5/09

TO SPE OF : ART UNIT 1652 Nashed Nashaat (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/725 755 Patent No.: 7442532

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)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch

703-308-9390 ext. _____

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 MONDESI
SUPERVISORY PATENT EXAMINER

SPE

1652
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 7TH AVENUE
14TH FLOOR
NEW YORK NY 10018

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Peter Snawerdt	:	
Application No. 11/725,766	:	DECISION ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. **558.1001**	:	

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**.

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 November 20, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) was 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 January 21, 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 continuing application under 37 CFR 1.53(b); (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/799,200.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Sheng-He Huang	:	
Application No. 11/725,770	:	DECISION ON PETITION
Filed: March 19, 2007	:	
Attorney Docket No. USDP3767A-SHH	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 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 August 12, 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 November 13, 2009. A Notice of Abandonment was mailed on 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 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 1645 for appropriate action by the Examiner in the normal course of business on the reply received June 28, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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DEC 07 2010
OFFICE OF PETITIONS

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

In re Application of	:	
Friess, et al.	:	
Application No. 11/725,777	:	ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. 23677	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned July 31, 2010 for failure to timely submit a proper reply to the final Office action mailed April 30, 2010. The final Office action set a three month shortened statutory period of time for reply. No petition for extension of time pursuant to 37 CFR 1.136(a) was timely submitted. This decision precedes Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a continuing application under 37 CFR 1.53(b); (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/947,264.

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 $1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary. A refund on petitioners' behalf has been requested from the Finance Office, Refund Section.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM H. DIPPERT
ECKERT SEAMANS CHERIN & MELLOTT, LLC
U.S. STEEL TOWER
600 GRANT STREET, 44TH FLOOR
PITTSBURGH PA 15219

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Maman et al.	:	
Application Number: 11/725,818	:	ON PETITION
Filing Date: 03/19/2007	:	
Attorney Docket Number: M312-002	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on June 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on February 18, 2010, for failure to timely reply to the non-final Office action mailed on November 17, 2009, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on May 24, 2010.

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.[1] 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

[1] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

CFR 1.137(b) was unintentional, petitioner must notify the Office.

Receipt of the amendment filed on June 1, 2011 is acknowledged.

The application is referred to Technology Center Art Unit 3611 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/16/10

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11725861 Patent No.: 7777046

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.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: All the changes have been approved.

/Joseph K. McKane/ Art Unit 1626

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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Terry L. Miller
Law Office of Terry L. Miller
24832 Via San Fernando
Mission Viejo CA 92692

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Application of

Archdekin

Application No. 11/725,871

Filed: March 20, 2007

Attorney Docket No. 2006-003

DECISION ON PETITION

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

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $755.00 and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed April 15, 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 16, 2010. A Notice of Abandonment was mailed on July 30, 2010.

The issue fee and publication fee were received on September 1, 2010.

Form PTOL-85B, filed September 1, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/28/10

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 11725950 Patent No.: 7520345

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.

X	**Approved**	**All** changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments: C oc C OK to enter

/Shane Bomar/
SPE

3676
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED

OCT 21 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Mitsuhiko Sato, et. al. :
Application No. 11/726,038 :
Filed: March 19, 2007 :
Attorney Docket No. 96790P569 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2010, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed March 3, 2010. A Notice of Abandonment was mailed on 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) 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 2854 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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ROCKEY, DEPKE & LYONS, LLC
SUITE 5450 SEARS TOWER
CHICAGO IL 60606-6306

MAILED

NOV 01 2011

OFFICE OF PETITIONS

In re Application of

Ikemoto, et al.

Application No. 11/726,088

Filed: March 21, 2007

Attorney Docket No. **075834.00964**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 14, 2011.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 15, 2011, after it was believed that no timely response was received to the non-final Office action mailed December 14, 2010. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on June 21, 2011, indicating that a reply to the notice was not timely received.

A review of the application file record did reveal that a response to the non-final Office action was filed on June 14, 2011, with a request for an extension of time within the third month being paid on June 14, 2011. The extension of time within the third month under 37 CFR 1.136(a) extended the period for reply to the non-final Office action through June 14, 2011. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 2800, GAU 2861, for further processing, including processing of the response to the non-final Office action which was filed June 14, 2011.

Further inquires regarding 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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25TH FLOOR
CHICAGO IL 60606

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JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Dragan Danil O. Nebrigic et al. :
Application No. 11/726,101 : PETITION DECISION
Filed: March 21, 2007 :
Attorney Docket No. 4264.77173 :

This is a decision on the petition filed April 18, 2011 under 37 CFR 1.183 which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition is **DISMISSED.**

The application as-filed identified seven inventors as the inventive entity: Dragan Nebrigic, Milan Jevtitch, Vladimir Garstein, William Milam, James Sherrill, Nicholas Busko and Peter Hansen.

Petitioner has filed the instant petition to request waiver of the signature of the unavailable inventors Nebrigic, Jevtitch, Milam, Sherill, Busko and Hansen

MPEP 715.04(I) states in part:

> 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)).

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 inventors. 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 the non-signing inventors, such that the declaration can be accepted under 37 CFR 1.131. Where inability to find or locate a named inventor 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 the non-signing inventors refuse to sign the declaration. In fact, the petition indicates that no copies of the declaration were mailed or otherwise presented to the non-signing inventors.

At the very least, petitioner should mail correspondence to the non-signing inventors' last known addresses, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a copy of the declaration to the forwarding 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. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded that an inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an inventor gives a reason for refusing to sign the declaration, that reason should be stated in the affidavit or declaration.

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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CHICAGO IL 60606

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OCT 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Dragan Danilo Nebrigic et al.	:	
Application No. 11/726,101	:	PETITION DECISION
Filed: March 21, 2007	:	
Attorney Docket No. 4264.77173	:	

This is a decision on the renewed petition filed October 14, 2011 under 37 CFR 1.183 which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.132.

The petition is **DISMISSED AS BEING MOOT.**

The application as-filed identified seven inventors as the inventive entity: Dragan Nebrigic, Milan Jevtitch, Vladimir Garstein, William Milam, James Sherrill, Nicholas Busko and Peter Hansen.

Petitioner has filed the instant petition to request waiver of the signature of the unavailable inventors Nebrigic, Jevtitch, Milam, Sherill, Busko and Hansen for declarations filed under 37 CFR 1.132.

37 CFR 1.132 does not present signature requirements. In contrast, 37 CFR 1.63 and 37 CFR 1.131 specify such requirements and how to proceed when an inventor cannot be reached. A declaration under 37 CFR 1.132 is to be reviewed by the Primary Examiner assigned to the case and that Examiner shall determine if the declaration, properly signed or not, overcomes a rejection.

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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DEC 08 2011
OFFICE OF PETITIONS

Robert L. Rispoli
Precision Combustion, Inc.
410 Sackett Point Road
North Haven CT 06473

In re Application of Pfefferle et al. Application No 11/726,106 Filed: March 21, 2007 Attorney Docket No. MOI 304	: : : : : :	ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 July 8, 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). An amendment and one month extension of time were filed on November 8, 2010. In reply, an advisory action was mailed on December 20, 2010 indicating that the amendment failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is November 9, 2010. A Notice of Abandonment was mailed on February 14, 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 $465.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $930.00; and (3) a proper statement of unintentional delay.

It should be noted that the final Office action mailed July 8, 2010 provide applicant with an extendable reply period of January 8, 2011. Thus the submission of the Notice of Appeal and the three month extension of time were untimely.

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 $1175 extension of time fee submitted on November 23, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of the $1175. A copy of this decision should accompany any request.

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. Rispoli 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 in whose behalf he acts. If, Mr. Rispoli 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. Rispoli, 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 Technology Center AU 1771 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

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NAVAL MEDICAL RESEARCH CENTER
ATTN: (CODE 00L)
503 ROBERT GRANT AVENUE
SILVER SPRING MD 20910-7500

MAILED
NOV 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Malford E. CULLUM et al.	:	ON PETITION
Application No. 11/726,203	:	
Filed: March 13, 2007	:	
Atty. Docket No.: NC 97,728		

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

The petition is **GRANTED.**

The application became abandoned for failure to respond in a timely manner to the non-final Office action mailed July 8, 2010 (Office action), 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 October 9, 2010. A Notice of Abandonment was mailed February 23, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Office action mailed July 8, 2010, (2) a petition fee of $1860, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

In accordance with Petitioner's request, the petition fee of $1860 will be charged to deposit account 140595.

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 1641 for further consideration of the filed Response.

Robert DeWitty
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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DEC 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Malford E. Cullum et al.	:	
Application No. 11/726,203	:	DECISION ON PETITION
Filed: March 14, 2007	:	
Attorney Docket No. NC 97,728	:	

This is a decision on the Petition To Expunge Information Unintentionally Submitted In An Application, filed October 21, 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**.

Petitioner requests that the request for RCE, filed on May 17, 2011, be expunged from the record.

The petition is deficient because there is no statement that:

(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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MAR 09 2012

OFFICE OF PETITIONS

In re Application of
Malford E. Cullum et al
Application No. 11/726,203
Filed: March 13, 2007
Attorney Docket No. NC 97,728

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 16, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 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 expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to 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)(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 amendment filed with the petition is not acceptable as drafted since it improperly indicates the filing date of Provisional Application No. 60/781,407 as March 13, 2007. The correct filing date of the above provisional application is March 10, 2006.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) are required.

Office finance records show that a petition fee of $1,410.00 was paid on May 17, 2011. However, it appears that no petition under 37 CFR 1.78(a)(6) was filed at that time. The petition fee will be applied to the petition filed December 16, 2011.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Kraguljac & Kalnay, LLC - Oracle
4700 Rockside Road
Summit One, Suite 510
Independence OH 44131

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DEC 01 2011
OFFICE OF PETITIONS

In re Application of :
KRISHNAPRASAD et al. :
Application No. 11/726,275 : DECISION ON PETITION
Filed: 03/21/2007 :
Attorney Docket No. 2006-194-01 (O101) :

This is a decision on the petition under 37 CFR 1.181, filed October 12, 2011, requesting a refund of fees in the amount of $1,080.00 for the filing of a notice of appeal and an appeal brief on October 20, 2010, and December 16, 2010, respectively.

In the present petition, applicants explain:

> The reason the appeal fees were not required is that after the appeal brief was filed, the examiner withdrew all previous rejections and reopened prosecution with new rejections. Applicant on numerous occasions (in responses and in multiple examiner interviews) explained to the examiner and the supervisory examiner that the rejections were without merit. The examiners refused to change their position and even instructed the applicant to appeal (examiner interview of 10-20-10).
>
> Applicant was forced to file a notice of appeal and an appeal brief (filed 12-16-10). Then even though the same arguments were made for the same claims, the examiner's position completely changed. All rejections were withdrawn and prosecution was reopened with new rejections (see Non-Final office action dated 3-17-11).
>
> ...
>
> Such an action by the examiner is an explicit admission and acknowledgment that the rejections were improper and without merit, and should have been withdrawn during the normal course of examination. Therefore, the appeal and the appeal fees were not "required" except for the examiner's failure to follow proper MPEP procedures.

> MPEP 607.02 does not allow for a refund when the applicant has a "change of purpose" (e.g., when applicant withdraws an application filing or withdraws an appeal). This rule does not apply because applicant did not have a change of purpose. Rather the examiner had a change of purpose and withdrew the appeal to the applicant's detriment (e.g., appeal fees paid that were not required). Thus the fees should be refunded.
>
> Applicant acknowledges that if a second appeal were to be filed, then the current fees would then be applied to the second appeal. However, a second appeal will not occur since the application has been allowed (Notice of Allowance dated 8-24-11). Therefore, it is improper for the Patent Office to keep funds they are not entitled to due to the examiner's actions. Applicant respectfully requests a refund.

Petition, pp. 2-3.

As explained in MPEP 607.02:

> Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund: (1) a fee paid by mistake (e.g., fee paid when no fee is required); 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 Pat. 1943) (the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment).
>
> When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).
>
> 37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.

Unfortunately for petitioners, the notice of appeal fee and appeal brief fee paid herein were owed at the time they were paid, and as such, were not fees paid by mistake. That is, these fees which petitioners wish to have refunded were required by 35 U.S.C. 41 ("the Director shall charge the following fees"). The payment of the statutory fees is obligatory upon applicants and collection of the statutory fee is likewise obligatory upon the Office. Boyden v. Commissioner of Patents, 441 F.2d 1041, 1043, 168 USPQ 680, 681 (D.C. Cir.), cert denied, 404 US 842, 868, 171 USPQ 312 (1971); see also Giuliani v. United States, 8 USPQ2d 1095 (D. Hi 1988), affd mem., 878 F.2d 1444 (Fed. Cir. 1989). Petitioners obtained the results for which they admittedly paid the fees. That is, the pendency of this application was maintained. To now request a refund of those rightfully paid fees is a change in purpose after the fact, which precludes a refund. See 37 CFR 1.26(a); Grady, supra.

The patent statute and the rules of practice before the USPTO do not permit an applicant to request and pay for conditional appeal fees, and depending on subsequent events, obtain a refund of the fee(s). See Meissner v. United States, 108 U.S.P.Q. 6 (D.C. Cir. 1955) (appeal fee paid on same day that

examiner allows the application is not a fee paid by mistake within the meaning of 35 U.S.C. 42(d) warranting a refund). In other words, as petitioners were under the obligation to maintain the pendency of this application, the fees were properly submitted by petitioners and accepted by the USPTO. Indeed, had the contested fees not been paid, this application would have become abandoned for failure to prosecute as indicated in MPEP 711.03(c)(II)(C)(2):

> For example, as 37 CFR 1.116 and 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, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Clearly, the notice of appeal and appeal fees were the proper reply. This does not warrant either a finding of mistake relating to the payment, or a refund of the fees. See In re Hartman, 145 USPQ 402 (Comm'r Pat. 1965). The subsequent reopening of prosecution by the examiner does not have the retroactive effect of converting the fee payments, proper when made, into payments made by mistake.

For the reasons given above, the requested refund will not be forthcoming, as petitioners have not demonstrated and the record does not show that the fees were paid either in error or in excess. It follows that no refund is due. Accordingly, the petition is DISMISSED.

Telephone inquiries regarding this decision may be directed to the undersigned at 571-271-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED
MAR 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Putman et al.	:	
Application Number: 11/726,289	:	ON PETITION
Filing Date: 03/20/2007	:	
Attorney Docket Number: 011718-0003-999	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on December 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on February 17, 2010, for failure to timely submit a reply to the final Office action mailed on November 16, 2009, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on May 20, 2010.

Receipt of the request for continued examination (RCE) and submission under § 1.114 filed on December 21, 2010 is acknowledged.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[1] The three (3)-month extension request filed on December 21, 2010, was submitted more than three (3) months after the end of the period for reply to the final Office action mailed on November 16, 2009, and therefore is unnecessary. The extension of time fee paid on December 21, 2010, will be refunded to counsel.

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.

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[1] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The application is forwarded to Technology Center Art Unit 1624 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cf: YONG LU
COOLEY LLP, PATENT GROUP
777 6TH STREET, NW
SUITE 1100
WASHINGTON, DC 20001

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[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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JUN 24 2011
OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Putman et al.	:	TO WITHDRAW
Application No. 11/726,289	:	FROM RECORD
Filed: March 20, 2007	:	
Attorney Docket No. 011718-0003-999	:	

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 26, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Jones Day does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Jones Day not having power of attorney. See MPEP §§ 601.03 and 405.

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 March 21, 2011 that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application	: DECISION ON APPLICATION
Burli, et al.	: FOR PATENT TERM ADJUSTMENT
Application No. 11/726,351	: AND
Filed: March 21, 2007	: NOTICE OF INTENT
Patent No. 7,919,519	: TO ISSUE
Issued: April 5, 2011	: CERTIFICATE OF CORRECTION

This is a decision on the petition under 37 CFR 1.705(d), filed February 24, 2011. Patentee requests that the patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred eighty-four (284) days to two hundred four (204) days.

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

On November 24, 2010, the Office mailed a Determination of Patent Term Adjustment, indicating that the patent term adjustment to date was two hundred eighty-four (284) days. Applicants timely filed the instant application for patent term adjustment on February 24, 2011, asserting that the patent term adjustment to date was two hundred four (204) days. Prior to the Office mailing a decision, the application issued into Patent No. 7,919,519 on April 5, 2011 with a patent term adjustment of four hundred seventy-seven (477) days.

The Office determined a patent term adjustment of 477 days based on an adjustment for PTO delay of 281 days pursuant to 37 CFR § 1.703(a)(1), 5 days pursuant to 37 CFR 1.703(a)(2), and 234 days pursuant to 37 CFR § 1.703(b), reduced by 41 days of applicant delay under 37 CFR 1.704(c)(10).

However, Patentee point out that they should have been assessed 66 days pursuant to 37 CFR 1.704(b). The Office mailed a Notice

to File Missing Parts on May 10, 2007. Applicants did not file a reply until October 15, 2007. Accordingly, pursuant to 37 CFR 1.704(b), 66 days of applicant delay should have been assessed.

In addition, a review of the file reveals that Applicant should have been assessed additional delay pursuant to 37 CFR 1.704(c)(10). The Office mailed a Notice of Allowance on August 13, 2010. In reply, Applicant filed an RCE on November 11, 2010, to which the Office responded by mailing a new Notice of Allowance on November 24, 2010. Accordingly, pursuant to 37 CFR 1.704(c)(10), Applicant delay of 14 days should have been assessed.

Lastly, a review of the file reveals that applicants were assessed delay of 41 days for filing the instant application for patent term adjustment. However, pursuant to 37 C.F.R. § 1.704(e), the submission of an application for patent term adjustment will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Accordingly, zero days should have been assessed for this filing.

In view thereof, the correct determination of patent term adjustment is **four hundred thirty-eight (438) days** (518 (281+3+234) days of PTO delay, reduced by 80 (66+14) 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 Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **four hundred thirty-eight (438)** days, subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Anthony Knight
Director
Office of Petitions

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,919,519 B2

DATED : **April 5, 2011**

INVENTOR(S) : Burli 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 477 days.

Delete the phrase "by 477 days" and insert – by 438 days--

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SUITE 1600
CHICAGO IL 60603-3406

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Timothy J. Speight	:	
Application No. 11/726,397	:	DECISION GRANTING PETITION
Filed: March 20, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9147-96634-US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 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 June 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the information disclosure statement filed May 12, 2011.

/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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DEC 14 2010

OFFICE OF PETITIONS

Fogg & Powers LLC/Intersil Americas Inc.
5810 W. 78th Street
Minneapolis MN 55439

In re Application of	:	
Walters, et al.	:	DECISION DISMISSING PETITION
Application No. 11/726,407	:	UNDER 37 CFR 1.183
Filed: March 21, 2007	:	
Atty. Dkt. No. 125.113USR1	:	

The instant application has been referred to the Office of Petitions for consideration of the petition filed August 19, 2010 under 37 CFR 1.183, which is being treated as a petition to waive the requirements of 37 CFR 1.172. Receipt is acknowledged of the required petition fee of $400.00.

Petitioners requests waiver of the requirement that all joint inventors sign any supplemental declaration in a broadening reissue application.

The petition under 37 CFR 1.183 is dismissed.

BACKGROUND

1. U.S. Patent No. 6,870,352 (the '352 patent) issued to Walters, et al. on March 22, 2005.

2. A broadening reissue application (the present application) was filed on March 21, 2007, for the reissue of the '352 patent, and it was assigned application number 11/726,407. The reissue declaration to support the filed reissue application was signed by all of the joint inventors.

3. A supplemental reissue declaration under 37 CFR 1.175(b)(1) was filed August 19, 2010, along with a the present petition under 37 CFR 1.183 requesting acceptance of the supplemental reissue declaration signed by less than all of the joint inventors.

4. The petition is accompanied by a supplemental reissue application declaration by the inventors, signed by two of the three inventors named in the application. The declaration is not signed by joint inventor Matthew B. Harris. It is for this supplemental declaration that the petition requests acceptance, via suspension or waiver of the regulations.

5. The petition proffers a showing for the purpose of establishing that the non-signing inventor is unavailable to sign the supplemental reissue declaration. The petition sets forth (a) the efforts

made on behalf of the assignee to contact the non-signing inventor and obtain the requisite signature on the supplemental declaration, and (b) the lack of success of such efforts.

6. Petitioners have demonstrated that on several occasions the supplemental reissue declaration was emailed to the non-signing inventor at two separate email addresses. No response to the email communications was received.

DECISION

35 U.S.C. 251, which is directed to reissue, does not address the signature requirements of a declaration in reissue. 37 CFR 1.172 requires that a reissue declaration be made (and signed) by the inventors, except as otherwise provided (§§ 1.42, 1.43, 1.47), where the scope of the claims of the original patent is being enlarged. 37 CFR 1.175(b)(1), requires that:

> "For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant."

37 CFR 1.175(b)(1), taken in conjunction with 37 CFR 1.172, requires a supplemental declaration to be signed by all inventors. This is because all oaths or declarations necessary to fulfill the rule requirements in a reissue application are taken together collectively as a single oath or declaration. Thus, each oath and/or declaration must bear the appropriate signature of the inventor(s).

37 CFR 1.183 permits, in an extraordinary situation, waiver of a rule which is not a requirement of the statute, where justice requires such waiver, and applicant has requested a waiver of the 37 CFR 1.172 requirement that the 37 CFR 1.175 supplemental declaration be signed by all of the inventors.

The petition and supporting documentation do not provide a sufficient showing that the inventor is unavailable to sign the supplemental reissue declaration. The supporting documents included with the petition do not establish that the non-signing inventor received the copy of the supplemental reissue declaration forwarded via email. Typically a non-signing inventor would indicate receipt of the email and referenced attachments via return email. Thus, it cannot be established that the non-signing inventor received the supplemental reissue declaration via email.

To the extent that petitioners continue to communicate with the inventor via email, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the supplemental reissue declaration forwarded to the inventor via email was sent to the non-signing inventor's email address, was in a form that could be read and comprehended by the intended recipient, and that it was in fact received, opened and read by the intended recipient.

Petitioners may wish, upon renewed petition, to submit evidence that establishes that the non-signing inventor was sent a copy of the supplemental reissue declaration at his last known (residential) mailing address and thereafter refused to execute the supplemental reissue

declaration. Petitioners could then provide the Office with copies of letters sent to the inventor indicating the enclosure of the supplemental reissue declaration. If after the inventor receives the supplemental reissue declaration via mail and requests to execute the declaration are refused, these facts would be set forth in a statement of facts signed by the person(s) to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of any written refusal received should be included on renewed petition.

If petitioners are not aware of the non-signing inventor's current address, petitioners may submit supporting documentation that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. 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. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. See MPEP 409.03(d). Petitioner should reference and supply evidence of any such searches in a renewed petition.

CONCLUSION

In view thereof, the petition under 37 CFR 1.183 is DISMISSED.

Any request for reconsideration under 37 CFR 1.183 must be submitted within two months of the mail date of this decision. Extensions of time pursuant to 37 CFR 1.136 are available.

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

Registered users of EFS-Web may alternatively submit further correspondence with respect to this matter via EFS-Web. [1]

[1] https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries concerning this decision should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3215.

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

Kenpet8
12-10-10

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 10, 2010

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 11726417 Patent No.: 7660678

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: Inventor's petition to correct inventorship was approved in the Office Action mailed 21 July 2008.

/Eliseo Ramos-Feliciano/
Supervisory Patent Examiner, Art Unit 2857

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

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

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of
Dennis Eugene Kuhlman, et al.
Application No. 11/726,456
Filed: March 22, 2007
Attorney Docket No.: 10760

ON PETITION

This is a decision in response to the petition, filed June 21, 2010, 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 October 16, 2008, 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 January 17, 2009. A Notice of Abandonment was mailed August 6, 2009. On June 21, 2010, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Matthew A. Molloy appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Attorney Molloy desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

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) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the response filed February 22, 2010.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone 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

cc: MATTHEW A. MOLLOY
DINSMORE & SHOHL LLP, FIFTH THIRD CENTER
ONE SOUTH MAIN STREET, STE 1300
DAYTON, OH 45402

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Tucker Ellis & West LLP
1150 Huntington Building
925 Euclid Avenue
Cleveland, OH 44115

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of	:	
Saurav CHATERJEE, et *al.*	:	
Application No. 11/726,504	:	DECISION GRANTING PETITION
Filed: March 21, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **072255/000388**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 2, 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 November 10, 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 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

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[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 DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date	: 4/14/2011
Patent No.	: 7,797,818 B2
Serial No.	: 11/726,505
Inventor(s)	: Li et al.
Issue Date	: August 31, 2010
Title	: **METHOD AND APPARATUS FOR DETERMINING AN OPTICAL MODEL THAT MODELS THE EFFECTS OF OPTICAL PROXIMITY CORRECTION**
Doc./File No.	: **SNPS-0967**

Re: Consideration for Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error(s) in your request, inventors' names are printed in accordance with the typed names on the Declaration, therefore the error was the result of applicants' failure to comply with the requirement that the correct names be indicated on the Declaration or Oath. Therefore, no correction is in order here under Rule 1.322 or 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged errors in incorrect inventor's name or order of inventor's names, since inventors' names are printed solely in accordance with the typed/printed names (not the signatures) on the Declaration or Oath, and since non-initialed and non-dated changes are not taken into consideration. Therefore, no correction is in order here under the provisions of Rule 1.322 or 1.323 (required fee currently $100), unless a petition is granted. In view of the foregoing, your request is hereby denied.

Any petition under 37 CFR 1.182 (required fee currently $130) should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By Fax: (703) 308-6916
Attn.: Office of Petitions

Ernest C. White, *LIE* (571) 572-3385
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

ecw

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TUCKER ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND OH 44115

MAILED
DEC 03 2010
OFFICE OF PETITIONS

In re Application of	:	
Saurav Chatterjee et al	:	
Application No. 11/726,510	:	DECISION GRANTING PETITION
Filed: March 21, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 072255/000386	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 2, 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 November 10, 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 2614 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.*

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

March 16, 2011

Larry B. Donovan
Tucker Ellis & West LLP
1150 Huntington Building
925 Euclid Avenue
Cleveland, OH 44115-1475

Patent No.	: 7,889,849 B2
Ser. No.	: 11/726,510
Inventor(s)	: Saurav Chatterjee, et al.
Issued	: February 15, 2011
Docket No.	: 072255/000386
Title	: **MOBILE DEVICE CONFERENCE CALLS VIA PRIVATE BRANCH EXCHANGE**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
DEC 05 2011
OFFICE OF PETITIONS

Paul E Schaafsma
NovusIP, LLC
Suite 221
521 West Superior Street
Chicago IL 60610-3135

In re Application of	:	
Ralph Y. Liu	:	
Application No. 11/726,544	:	DECISION ON PETITION
Filed: March 22, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 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 proper reply within the meaning of 37 CFR 1.113 to the final Office action of April 28, 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)(II)(A)(2). Accordingly, the date of abandonment of this application is July 29, 2011. A Notice of Abandonment was mailed on November 9, 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).

As to item (1) the credit card payments could not be processed. The petition fee of $930 and the RCE (Request for Continued Prosecution) fee of $465 have not been paid.

Extensions 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). This fee is not necessary and should not be included with the filing of a renewed petition.

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

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

Paul E Schaafsma
NovusIP, LLC
Suite 221
521 West Superior Street
Chicago IL 60610-3135

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Ralph Y. Liu	:	
Application No. 11/726,544	:	DECISION ON PETITION
Filed: March 22, 2007	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, April 28, 2011, 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 29, 2011. A Notice of Abandonment was mailed on November 9, 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 RCE (Request for Continued Examination, with the required fee of $465, (2) the petition fee of $930, and (3) a proper statement of unintentional delay. Accordingly, the RCE 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 3691 for appropriate action by the Examiner in the normal course of business on the reply received November 18, 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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Sonali Banerjee
624 Vale Drive
Morganville NJ 07751

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of	:	
Chuni Lal Ghosh	:	
Application No. 11/726650	:	DECISION ON
Filing or 371(c) Date: 03/22/2007	:	PETITION
Title of Invention:	:	
DESIGN OF FUEL CELL AND ELECTROLYZER	:	
FOR SMALL VOLUME, LOW COST AND	:	
HIGH EFFICIENCY	:	

This is a decision in response to the petition under 37 CFR 1.137(a), filed January 13, 2012, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed 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 and properly reply to the Office action, mailed October 4, 2010. The Office action set a one (1) month or 30 day period for reply, whichever was longer, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on November 5, 2010. A Notice of Abandonment was mailed June 7, 2011.

The present petition

Applicant files the present Petition and provides that the delay in filing the reply to the Office action was inadvertent and unavoidable because the inventor filed the present application pro se, was diagnosed with cancer in September, 2010, and not in a position to attend to the Office action. Petitioner provides further that the inventor was under extended medical care and hospitalization for treatment including a surgery in June 2011, and recuperation thereafter. Petitioner provides that under medical advice, the inventor did not resume full workload until

complete recovery. After treatment and recovery, the inventor sought help to revive the application.

Petitioner does not include and documentary evidence to support the petition, but provides that documentary evidence may be provided upon request.

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.

Applicable Law, Rules and MPEP

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). 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

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[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).

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).

Analysis

As to item (3), initially, Applicant is advised that is an applicant's responsibility to either retain counsel to prosecute his application, or to familiarize himself with the laws, rules of practice and MPEP. An Applicant who elects to proceed in prosecuting his application without an attorney steps into the shoes of the attorney. The rules of practice do not diverge depending upon whether one is an attorney or an applicant appearing before this office in proper person. It is Applicant's obligation to inform himself about the obligations associated with prosecuting his application. See, California Med. Prods. V. Tecnol Med., 921 F.Supp 1219 (D. Del. 1995).

Further as to item (3), and regarding Applicant's assertion that he suffered illness, Applicant is advised that he must demonstrate that he was ill during the relevant time period, and that he was ill to the extent that he was unable to conduct business during that period. Applicant must support his assertions with documentary evidence such as medical records. A showing of "unavoidable" delay based upon incapacitation must establish that Applicant's incapacitation was of such nature and degree as to render petitioner unable to conduct business (*e.g.*, correspond with the Office) during the period between November 4, 2010, and the filing of a grantable petition. Such a showing must be supported by a statement from Applicant's treating physician, and such statement must provide the nature and degree of Applicant's incapacitation during this above-mentioned period.

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 Petitioner provides that under medical advice, the inventor did not resume full workload until 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.

Conclusion

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the required showing and supporting documentary evidence for the relevant time period.

Alternate venue

Applicant may file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

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 decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	11726674
Filing Date	22-Mar-2007
First Named Inventor	Dan Millward
Art Unit	1713
Examiner Name	ANITA ALANKO
Attorney Docket Number	MTI-34278
Title	SUB-10 NM LINE FEATURES VIA RAPID GRAPHOEPITAXIAL SELF-ASSEMBLY OF AMPHIPHILIC MONOLAYERS

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	/Kristine M. Strodthoff/
Name	Kristine M. Strodthoff
Registration Number	34259

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 27, 2012

In re Application of :

Dan Millward

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11726674

Filed : 22-Mar-2007

Attorney Docket No : MTI-34278

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 27, 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 1713 for processing of the request for continuing examination under 37 CFR 1.114 .

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

ALAN J. HOWARTH
P.O. BOX 1909
SANDY UT 84091-1909

MAILED

JAN 30 2012

OFFICE OF PETITIONS

In re Application of	:	
WILLIAMSON, et al	:	
Application No. 11/726,727	:	DECISION ON PETITION
Filed: March 21, 2007	:	TO WITHDRAW
Attorney Docket No. T11315	:	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 5, 2012.

The request is **NOT APPROVED.**

A review of the file record indicates that Alan J. Howarth 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.

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.

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KIRK D. WILLIAMSON
168 NORTH 1200 EAST
OREM UT 84097

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

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

MAILED

AUG 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Hegemier et al.	:	
Application No. 11/726,960	:	DECISION ON PETITION
Filed: March 23, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 9066-92356-US	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 5 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/856,495 filed March 23, 2007, set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 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 expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to 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)(5)(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 for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(5)(ii). *See* 35 U.S.C. § 119(e).

The nonprovisional application, Application No. 11/726,960 was filed on March 23, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/856,495, which was filed on November 3, 2006, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

Accordingly, having found that the instant petition satisfies the conditions of 37 CFR § 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119(e), the petition to accept an unintentionally delayed claim of benefit to the above-noted, prior-filed provisional application is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 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 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. §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 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 application, accompanies this decision on petition.

Any questions concerning this matter may be directed to Alicia Kelley-Collier at (571) 272-6059.

This matter is being referred to Technology Center Art Unit 1788 for appropriate action on the amendment submitted May 18, 2011, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/726,960	03/23/2007	1788	1625	9066-92356-US	24	3

CONFIRMATION NO. 1174

CORRECTED FILING RECEIPT

22242
FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

OC000000049431961

Date Mailed: 08/19/2011

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)

Darrin G. Hegemier, Del Mar, CA;
Darryl R. Kuhn, Chula Vista, CA;

Power of Attorney: The patent practitioners associated with Customer Number 22242

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/856,495 11/03/2006

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: 04/24/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/726,960**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

ADHESIVE COVER FOR CONSUMER DEVICES

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Mikihisa Suzuki, et al.	:	
Application No. 11/726,981	:	DECISION GRANTING PETITION
Filed: March 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 3712174-01772	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 15, 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 November 23, 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 2876 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.*

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

February 22, 2012

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

In re Application of	:	
SONG, BYUNG-CHEOLI	:	**DECISION ON PETITION**
Application No. 11/727,080	:	
Filed: 02/23/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. q94072	:	***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) September 20, 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, (One (1) set for EFW 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 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 requirements above. 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Novak Druce & Quigg LLP
300 New Jersey Ave, NW
Fifth Floor
Washington DC 20001

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Meissner, et al. :
Application No. 11/727,088 : ON PETITION
Filed: March 23, 2007 :
Attorney Docket No. 8369.048.US0000 :

This is a decision on the "PETITION TO REVIVE" filed, filed February 11, 2011. This matter is being treated under 37 CFR 1.181, no fee required.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

The above-identified application became abandoned July 9, 2010 for failure to submit a proper reply to the final Office action mailed April 8, 2010. Notice of Abandonment was mailed October 28, 2010.

The instant petition to revive fails to set forth a provision of law for which relief is granted. Accordingly, any request for reconsideration must be directed to either 37 CFR 1.137(a) or (b) and must include the required petition fee.

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

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 Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was

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

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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
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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Novak Druce & Quigg LLP
300 New Jersey Ave, NW
Fifth Floor
Washington DC 20001

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Meissner, et al.	:	
Application No. 11/727,088	:	ON PETITION
Filed: March 23, 2007	:	
Attorney Docket No. 8369.048.US0000	:	

This is a decision on the "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" filed, filed May 16, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

The above-identified application became abandoned July 9, 2010 for failure to submit a proper reply to the final Office action mailed April 8, 2010. Notice of Abandonment was mailed October 28, 2010.

It remains unclear what relief is sought. While the petition is renewed pursuant to 37 CFR 1.181, the petition states that the failure to timely reply to the final Office action was "unintentional." However, the petition also states that the "original petition to revive was intended and is made pursuant to 37 CFR 1.137(a)."

As the standard of review differs for action said to have been unintentional pursuant to 37 CFR 1.137(b) versus action said to have been unavoidable pursuant to 37 CFR 1.137(a), clarification is required.

Included herein is PTO/SB/61 and PTO/SB/64 for petitioner's convenience. Any request for reconsideration must include the appropriate request for relief and required 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.**

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

Enclosures

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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Novak Druce & Quigg LLP
300 New Jersey Ave, NW
Fifth Floor
Washington DC 20001

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of :
Meissner, et al. :
Application No. 11/727,088 : ON PETITION
Filed: March 23, 2007 :
Attorney Docket No. 8369.048.US0000 :

This is a decision on the "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" filed, filed June 22, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

Petitioner has failed to sign the actual petition. See, enclosed copy of page 3 of petition. Accordingly, treatment on the merits of the petition under 37 CFR 1.137(b) is not forthcoming.

Any request for reconsideration must be accompanied by a petition properly executed in accordance with 37 CFR 1.33(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

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

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

Enc.

Correspondence Address was on file with the Office well before the April 8, 2010 Office Action, and proper procedures at the USPTO should have resulted in the Office sending the Final Action to the appropriate practitioner of record. In support of the alternative position, Petitioner previously submitted a proper reply to the Final Office Action of April 8, 2010 in the form of a request for continuing prosecution (RCE) pursuant to 37 C.F.R. 1.114 with the petition filed on February 11, 2011. The entire period of abandonment was unavoidable.

To the extent not provided for and/or may be required hereunder the director hereby is authorized to charge any deficiency in fees, filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in the application by this firm, to deposit account 14-1437).

Respectfully submitted,

Peter N. Lalos
Registration No. 19,789

Date: June 22, 2011

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

Novak Druce & Quigg LLP
300 New Jersey Ave, NW
Fifth Floor
Washington DC 20001

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of :
Meissner, et al. :
Application No. 11/727,088 : ON PETITION
Filed: March 23, 2007 :
Attorney Docket No. 8369.048.US0000 :

This is a decision on the renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment filed, filed September 16, 2011.

The petition is **GRANTED**.

This application was held abandoned for failure to timely submit at a proper reply to the final Office action mailed April 8, 2010. The final Office action set a three (3) month shortened statutory period of time for reply. Notice of Abandonment was mailed October 28, 2010.

Petitioner alleges non-receipt of the final Office action due to the Office's failure to mail it to the correct correspondence address. Petitioner argues that on October 1, 2009, applicant submitted a declaration/power of attorney designating Customer Number 77407 as the proper correspondence address. Petitioner became aware of the final Office action after the holding of abandonment had been entered.

Where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

The change of correspondence address referenced by petitioner was received by the Office on October 1, 2009, but for unknown reasons was not entered into the record.

In view thereof, the petition to withdraw the holding of abandonment is hereby GRANTED. The holding of abandonment is WITHDRAWN and the Notice of Abandonment is VACATED.

This application is being forwarded to Group Art Unit 3655 for consideration of the request for continued examination filed February 11, 2011.

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

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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December 2, 2010

Patent No. : 7,812,331 B2
Appl. No. : 11/727,169
Inventor(s) : Terry Wickland, et al.
Issued : October 12, 2010
Title : **SPHERICAL STORAGE CONTAINERS**
Docket No. : **NFTIN-0019**

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 errors in spelling or order of inventor's names, since inventor's names are printed solely in accordance with the type-written names, and in the order of the type-written names on the Declaration, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct names in correct order, be indicated on the Declaration or Oath, no correction is in order here under the provisions of Rule 1.323 (required fee currently $100), unless a petition is granted.

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

However, a petition under 37 CFR 1.182 (required fee currently $130) 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) 273-8300
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 the order of inventors, , no additional fee is required.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

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

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Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of :
Eijgendaal et al. :
Application No. 11/727,173 :
Filed: March 23, 2007 :
Attorney Dkt. No. 01975.0089-01 :
For: BIFEPRUNOX MESYLATE :
MAINTENANCE DOSE COMPOSITIONS :
AND METHODS FOR USING THE SAME :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT PRE-GRANT," filed March 8, 2011. This request is properly treated under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment be corrected from three hundred ninety-one (391) days to two hundred fifty-seven (257) days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated.

Applicants contend that the reduction required for the abandonment of the application is 352 days, not 218 days.

A review of the application history shows a reduction of 353 days, is warranted for the abandonment of the application pursuant to 37 CFR § 1.704(c)(3)(i).

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:

(3) Abandonment of the application or late payment of the issue fee, 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 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.

In this instance the application was held abandoned for the failure to submit a reply to the April 11, 2007 Notice to File Missing Parts. A grantable petition under 37 CFR 1.137(b) was filed on February 14, 2008 and granted May 29, 2008.

In accordance with 37 CFR 1.704(c)(3), the adjustment is properly reduced by 353 days. The period of reduction commenced June 12, 2007, the date of abandonment, and ended May 29, 2008, the date of mailing of the decision reviving the application. *See*, 37 CFR 1.704(c)(3)(i).

At the time of mailing of the Notice of Allowance, applicants' delay total is 421 (353 + 68) days and Office delay total 677 days.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is **two hundred fifty-six (256)** days.

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 matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Patent Term Adjustments

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 11727173 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 11727173

Application Filing Date	03/23/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	677
A Delays	677	PTO Manual Adjustment	-135
B Delays	0	Applicant Delay (APPL)	286
C Delays	0	Total PTA (days)	256

* - 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	05/23/2011		P028	Adjustment of PTA Calculation by PTO		353	0
75	05/23/2011		P028	Adjustment of PTA Calculation by PTO	218		0
67	12/09/2010		MN/=.	Mail Notice of Allowance			0
66	12/06/2010		IREV	Issue Revision Completed			0
65	12/06/2010		N/=.	Notice of Allowance Data Verification Completed			0
64	12/06/2010		DOCK	Case Docketed to Examiner in GAU			0
63	11/22/2010		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
62	11/22/2010		DVER	Document Verification			0
61	11/22/2010		EX.A	Examiner's Amendment Communication			0
60	11/22/2010		CNTA	Allowability Notice			0
55	11/19/2010		P574	Paralegal TD Accepted			0
54	11/08/2010	09/01/2010	DIST	Terminal Disclaimer Filed		68	49
53	09/27/2010		P575	Paralegal TD Not accepted			0
50	09/03/2010		FWDX	Date Forwarded to Examiner			0
59	09/01/2010		IDSC	Information Disclosure Statement considered			0
52	09/01/2010		M844	Information Disclosure Statement (IDS) Filed			0
51	09/01/2010		DIST	Terminal Disclaimer Filed			0
49	09/01/2010		A...	Response after Non-Final Action			0
48	09/01/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
47	06/08/2010		MCTNF	Mail Non-Final Rejection			0
46	06/07/2010		CTNF	Non-Final Rejection			0
35	05/01/2010		FWDX	Date Forwarded to Examiner			0
34	04/23/2010		ELC.	Response to Election / Restriction Filed			0
33	03/31/2010	05/23/2008	MCTRS	Mail Restriction Requirement	677		0.5
32	03/29/2010		CTRS	Restriction/Election Requirement			0
31	12/11/2008		DOCK	Case Docketed to Examiner in GAU			0
30	12/01/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
27	11/20/2008		PG-ISSUE	PG-Pub Issue Notification			0
26	08/25/2008		OIPE	Application Dispatched from OIPE			0
25	08/11/2008		IRFND	Request for Refund			0
24	08/08/2008		PGPC	Sent to Classification Contractor			0
23	08/08/2008		FLRCPT.U	Filing Receipt - Updated			0
22	08/08/2008		COMP	Application Is Now Complete			0
21	07/29/2008		ADDFLFEE	Additional Application Filing Fees			0
20	07/29/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
19	06/11/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
18	06/11/2008		FLRCPT.O	Filing Receipt			0
13	05/29/2008		MPREV	Mail-Petition to Revive Application - Granted			0
12	05/29/2008		PREV	Petition to Revive Application - Granted			0
37	03/18/2008		IDSC	Information Disclosure Statement considered			0
29	03/18/2008		RCAP	Reference capture on IDS			0
28	03/18/2008		M844	Information Disclosure Statement (IDS) Filed			0
11	03/18/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
17	02/14/2008	07/11/2007	FLFEE	Payment of additional filing fee/Preexam		218	8
16	02/14/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
10	02/14/2008		PET.	Petition Entered			0
14	12/14/2007		WPABN	Withdraw Pre-Exam Abandon			0
9	06/12/2007		ABNX	Abandonment -- During Preexam Processing			0
15	04/11/2007		W/OA	Pre-Exam Office Action Withdrawn			0
8	04/11/2007		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
5	04/09/2007		L128	Cleared by L&R (LARS)			0
4	04/06/2007		L198	Referred to Level 2 (LARS) by OIPE CSR			0
3	04/06/2007		CLSS	CASE CLASSIFIED BY OIPE			0
2	04/05/2007		SCAN	IFW Scan & PACR Auto Security Review			0

1	03/23/2007	IEXX	Initial Exam Team nn	0
0.5	03/23/2007	EFILE	Filing date	0

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MAILED

SEP 23 2010

OFFICE OF PETITIONS

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

In re Application of	:	
Hiroyuki Takao, et al.	:	
Application No. 11/727,393	:	ON PETITION
Filed: March 26, 2007	:	
Attorney Docket No.: 071122	:	

This is a decision on the petition under 37 CFR 1.182, filed January 13, 2010, to change the order of the names of the inventors. The delay in responding is regretted; however, the petition was recently referred to the undersigned for consideration.

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 1783.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/727,393	03/26/2007	1783	1130	071122	14	2

CONFIRMATION NO. 1959

CORRECTED FILING RECEIPT

38834
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

OC000000043533347

Date Mailed: 09/16/2010

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)

Hiroyuki Takao, Ibaraki-shi, JAPAN;
Daisuke Hamamoto, Ibaraki-shi, JAPAN;
Katsunori Takada, Ibaraki-shi, JAPAN;
Seiichi Kusumoto, Ibaraki-shi, JAPAN;
Yuuichi Kimura, Ibaraki-shi, JAPAN;
Takayuki Shigematsu, Ibaraki-shi, JAPAN;

Assignment For Published Patent Application

NITTO DENKO CORPORATION, Ibaraki-shi, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 38834

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2006-087662 03/28/2006
JAPAN 2006-239138 09/04/2006
JAPAN 2006-087133 03/28/2006
JAPAN 2006-239137 09/04/2006

If Required, Foreign Filing License Granted: 05/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/727,393**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Hard-coated antiglare film, method of manufacturing the same, optical device, polarizing plate, and image display

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/24/11

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 11727401 Patent No.: 7687052

CofC mailroom date: 08/19/11

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 Directors/SPE response to 571-273-3421

Note:

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

/Janet L. Andres/ 1625

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.
11/727,417	03/26/2007	Byeong Moon Jeon	63000-000002/US/DVD	1524

30593 7590 10/27/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER
HALLENBECK-HUBER, JEREMIAH CHARLES

ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
10/27/2010	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

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MAILED

OCT 27 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of
JEON, BYEONG MOON
Application No. 11/727,417
Filed: March 26, 2007
For: **METHOD FOR PREDICTING A BI-PREDICTIVE BLOCK OF A MOVING PICTURE**

DECISION ON REQUEST

This is a decision on the request for continued suspension of action under 37 C.F.R. § 1.103(a) filed August 25, 2010.

Applicants request a third period of suspension for 6 months. The reason for the request is the Applicants have not received a decision in the appeal for Application No. 10/335,331 ('331 application). As stated in Applicants' previous Petition to Suspend, the art cited against the claims in the subject application is the same as art cited against the claims in the '331 application. The claims include at least one feature commensurate in scope with at least one feature claimed in the '331 application. Furthermore, this feature forms at least one basis for arguing patentability in the Appeal of the '331 application. As such, the outcome of the Appeal in the '331 application may be dispositive of patentability in the subject application.

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).

Pursuant to applicant's request, suspension on this application is **GRANTED**. Ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS. 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.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-7418. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Mehrdad Dastouri/
Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/727,417	03/26/2007	Byeong Moon Jeon	63000-000002/US/DVD	1524

30593 7590 06/08/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER
HALLENBECK-HUBER, JEREMIAH CHARLES

ART UNIT	PAPER NUMBER
2486	

MAIL DATE	DELIVERY MODE
06/08/2011	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

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JUN 07 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of
JEON, BYEONG MOON :
Application No. 11/727,417 : DECISION ON REQUEST
Filed: March 26, 2007 :
For: **METHOD FOR PREDICTING A BI-PREDICTIVE BLOCK OF A MOVING PICTURE** :

This is a decision on the request for continued suspension of action under 37 C.F.R. § 1.103(a) filed February 25, 2011.

Applicants request a fourth period of suspension for 6 months. The reason for the request is the Applicants have not received a decision in the appeal for Application No. 10/335,331 ('331 application). As stated in Applicants' previous Petition to Suspend, the art cited against the claims in the subject application is the same as art cited against the claims in the '331 application. The claims include at least one feature commensurate in scope with at least one feature claimed in the '331 application. Furthermore, this feature forms at least one basis for arguing patentability in the Appeal of the '331 application. As such, the outcome of the Appeal in the '331 application may be dispositive of patentability in the subject application.

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).

Pursuant to applicant's request, suspension on this application is **GRANTED**. Ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS. 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.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-7418. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Mehrdad Dastouri/
Mehrdad Dastouri
Acting Quality Assurance Specialist
Technology Center 2400

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 18, 2010

TO SPE OF : ART UNIT 2856 - SPE Hezron Williams

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/727,600 Patent No.: 7,614,303 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 Abstract be substituted as requested by applicant?
See COCIN dated 05-19-2010

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.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Hezron Williams SPE _____ Art Unit 2856

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United States Patent and Trademark Office
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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED
JAN 3 1 2011
OFFICE OF PETITIONS

In re Application of :
Zhang et al. :
Application No. 11/727638 : ON PETITION
Filing or 371(c) Date: 03/27/2007 :
Attorney Docket Number: 27592-00032-US2 :

This is a decision on the "Petition Under 37 C.F.R. § 1.47," filed October 27, 2010. The petition is properly treated under 37 CFR 1.183, to waive the requirement under 37 CFR 1.67 that all of the inventors sign a supplemental declaration.[1]

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

A final Office action was mailed July 27, 2010, requiring a Supplemental Reissue Oath/Declaration. Applicant files the present petition and asserts that inventor Zeeman Zhang refuses to sign a Supplemental declaration.

Applicable Law

37 CFR 1.67 states, in pertinent part:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
>
> > (1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do not adequately establish an extraordinary situation. Petitioner has not sufficiently established any special circumstances of equities that would require suspension of the rules in the interests of justice.

[1] A petition under 37 CFR 1.47 only applies to the initially filed 37 CFR 1.63 declaration.

With the present petition, Applicant has set forth the steps taken to secure joint inventor Zhang's signature on the supplemental declaration. Applicant avers that a copy of the original patent application and all amendments, along with a supplemental reissue oath/declaration were mailed to inventor Zhang at his last known address, however inventor Zhang has not responded. Moreover, Applicant thereafter through an internet search confirmed that the correspondence address for inventor Zhang is correct.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental declaration was required to be signed joint inventors Zhang and Joseph Knoerle; however, only inventor Knoerle executed the declaration. Applicant has demonstrated that a *bona fide* effort was made to secure inventor Zhang's signature on the supplemental declaration. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

The newly executed reissue declaration, filed on October 27, 2010, will be entered, despite the fact that the requirement set forth in 37 CFR 1.67(a)(1) that all the inventors sign a supplemental oath or declaration has not been satisfied.

The balance of the petition fee, $400.00, has been charged to petitioner's deposit account as authorized in the petition.

The application file is being referred to Technology Center Art Unit 2614 for further processing 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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NOVA TECH IP LAW
1001 AVE. PICO, SUITE C500
SAN CLEMENTE CA 92673

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of
Chad D. Schmitz
Application No. 11/727,762
Filed: March 28, 2007
Attorney Docket No. 05-1219A

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 August 9, 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 July 22, 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 3726 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Shin et al. : DECISION ON PETITION
Application No. 11/727,838 :
Filed: March 28, 2007 :
Atty Docket No. 1937.1089 :

This is in response to the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT filed September 27, 2011.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f).

The above-identified application became abandoned for failure to pay the Issue Fee (and publication fee) within three months of the mailing date, April 13, 2011, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on July 14, 2011. A courtesy Notice of Abandonment was mailed on July 27, 2011.

In response, applicants filed the instant petition. Applicants request withdrawal of the holding of abandonment on the basis that the Notice of Allowance was never received.

A review of the application file reveals no irregularities in the mailing of the Notice of Allowance mailed April 13, 2011. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, applicants must submit evidence

to overcome this presumption. As stated in MPEP 711.03(c), the following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Practitioner states that the Office action was not received by the practitioner and that a search of the file jacket and docket records indicates that the correspondence was not received. In support thereof, practitioner supplies the declaration of Joseph Berry. The petition states that the declaration includes a copy of the docket records, including the master docket report. However, the docket records are not among the papers received with the petition.

This showing is not sufficient without the docketing records. Given the deficiencies in applicants' showing, it is concluded that the required showing of non-receipt has not been met.

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

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Shin et al. : DECISION ON PETITION
Application No. 11/727,838 :
Filed: March 28, 2007 :
Atty Docket No. 1937.1089 :

This is in response to the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT filed September 27, 2011.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f).

The above-identified application became abandoned for failure to pay the Issue Fee (and publication fee) within three months of the mailing date, April 13, 2011, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on July 14, 2011. A courtesy Notice of Abandonment was mailed on July 27, 2011.

In response, applicants filed the instant petition. Applicants request withdrawal of the holding of abandonment on the basis that the Notice of Allowance was never received.

A review of the application file reveals no irregularities in the mailing of the Notice of Allowance mailed April 13, 2011. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, applicants must submit evidence

to overcome this presumption. As stated in MPEP 711.03(c), the following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Practitioner states that the Office action was not received by the practitioner and that a search of the file jacket and docket records indicates that the correspondence was not received. In support thereof, practitioner supplies the declaration of Joseph Berry. The petition states that the declaration includes a copy of the docket records, including the master docket report. However, the docket records are not among the papers received with the petition.

This showing is not sufficient without the docketing records. Given the deficiencies in applicants' showing, it is concluded that the required showing of non-receipt has not been met.

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

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Shin et al. : DECISION ON PETITION
Application No. 11/727,838 :
Filed: March 28, 2007 :
Atty Docket No. 1937.1089 :

This is in response to the RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT filed November 18, 2011. This decision is made in light of the supplement to petition filed September 28, 2011 (and resubmitted on instant petition).

The above-identified application became abandoned for failure to pay the Issue Fee (and publication fee) within three months of the mailing date, April 13, 2011, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on July 14, 2011. A courtesy Notice of Abandonment was mailed on July 27, 2011.

By decision mailed October 3, 2011, the initial petition to withdraw the holding of abandonment filed September 27, 2011 was dismissed. It was determined that the petition did not include a sufficient showing of nonreceipt. Docketing records that were stated to be among the papers filed on petition were not present in the record. (It is noted that this decision was made without consideration of the docketing records resubmitted on September 28, 2011).

On initial petition, applicants submitted a statement from the practitioner of record stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. On renewed petition, applicants

have explained the docketing system and have submitted docketing records, including the master docket, to show where the Office action would have been entered had it been received and docketed.

Applicants have now established non-receipt of the notice of allowance mailed April 13, 2011. Accordingly, mailing of a new notice of allowance is warranted. See Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

In view thereof, the petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2835 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to re-mail the notice of allowance (and notice of allowability) both mailed April 13, 2011 and to restart the period for reply to the notice of allowance (and notice of allowability).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : **10/19/10**

TO SPE OF : ART UNIT **1762 Attn: DAVID WU (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/727839** Patent No.: **7696267**

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 (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
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: _____

_____

_____

_____

_____

D. Wu — **SPE**

1762 — **Art Unit**

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STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 NEW YORK AVE NW
WASHINGTON DC 20005

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Patent No. 7,612,178	:	
Hariharan, et al.	:	
Issue Date: November 3, 2009	:	DECISION ON
Application No. 11/727,887	:	PATENT TERM ADJUSTMENT
Filed: March 28, 2007	:	
Attorney Docket No.	:	
2159.1000002/EKS/D-S		

This is a decision on the "Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. § 1.705(d)", filed December 29, 2009. Patentees request that the patent term adjustment indicated on the patent be corrected from eighty-eight (88) days to one hundred thirty-nine (139) days.

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

On November 3, 2009, the above-identified application matured into U.S. Patent No. 7,612,178. The instant request for reconsideration filed December 29, 2009 was timely filed within two months of the date the patent issued. See §1.705(d). The Patent issued with a Patent Term Adjustment of eighty-eight (88) days. Patentees state that they should not have been assessed applicant delay of fifty-one (51) days for the submission of drawings after the Notice of Allowance.

The adjustment of fifty-one (51) days for the submission of drawings after the Notice of Allowance has been determined to be correct. Patentees argue that they should not have been assessed applicant delay in responding to a Notice to File Corrected

Application Papers mailed on August 14, 2009. The Notice pointed out drawing deficiencies. Patentees argue that because they had previously filed replacement drawings in response to a Notice to File Missing Parts, and because the Examiner had indicated that the drawings were acceptable, that they did not fail to engage in reasonable efforts to conclude processing or examination. Patentees' argument has been considered but is not persuasive. That the Examiner indicated that the drawings previously filed were acceptable does not preclude the Office of Data Management from requesting better drawings for publication. Applicants filed drawings after the Notice of Allowance that were different from the drawings earlier filed. Accordingly, it is concluded that applicant failed to engage in reasonable efforts to conclude prosecution of the application under 37 C.F.R. §1.704(c)(10).

In view thereof, the correct determination of PTA at the time of issuance is **eighty-eight** days (139 days of PTO delay, reduced by 51 days of applicant delay).

Receipt of the $200 fee under 37 C.F.R. §1.18(e) is acknowledged.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Director
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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of :
Motoki KAKUI :
Application No. 11/727,891 :
Filed: March 28, 2007 :
Attorney Docket No. **050212-0747** :

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 February 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 January 28, 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 2828 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED

AUG 16 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Bernhard Kidalka	:	
Application No. 11/727,937	:	DECISION ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No. 32860-001237/US	:	

This is a decision on the petition, filed May 11, 2010, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the nonfinal Office action mailed September 23, 2009.

The petition states that a reply was timely submitted on December 23, 2009. To support this assertion, the petitioner has submitted a copy of the response, along with a copy of a postcard receipt showing the stamped date of December 23, 2009 by the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

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

This application is being referred to Technology Center AU 2628 for appropriate action by the Examiner in the normal course of business on the reply received May 11, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of	:	
Ramaz KATSARAVA et al.	:	
Application No. 11/728,100	:	DECISION ON PETITION
Filed: March 22, 2007	:	TO WITHDRAW
Attorney Docket No. **MEDIV3030-2**	:	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 February 14, 2012.

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.** 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.

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/
Michelle R. Eason
Paralegal Specialist
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.
11/728,254	03/22/2007	Robert Voliter	ADOBB419	9863

61222 7590 12/21/2011
VAN PELT, YI & JAMES LLP AND ADOBE SYS. INCORP.
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO, CA 95014

EXAMINER
BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
12/21/2011	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):

usptocorrespondence@ip-patent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VAN PELT, YI & JAMES LLP AND ADOBE SYS. INCORP.
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO CA 95014

In re Application of
Voliter, Robert, et al.
Serial No.: 11/728254
Filed: March 22, 2007

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

For:
DYNAMIC DISPLAY OF A HARMONY RULE LIST

This is a decision on the petition under 37 CFR §1.184(a)(2), filed March 22, 2007 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS.1A-8 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, 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 is GRANTED.

_/Doris To/_____
Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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

TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO CA 92121

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Edward Davis et al.	:	
Application No. 11/728,345	:	DECISION ON PETITION
Filed: March 26, 2007	:	
Attorney Docket No. 747	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 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 4, 2010, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 5, 2010. A Notice of Abandonment was mailed on January 19, 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 $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 2878 for appropriate action by the Examiner in the normal course of business on the reply received February 14, 2011.

/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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/728,360	03/26/2007	Robert P. Morris	1457/US	1549

52354 7590 02/04/2011
SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
NAZAR, AHAMED I

ART UNIT	PAPER NUMBER
2178	

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

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SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
MORRIS, Robert et al.
Application No. 11/728,360
Filed: March 26, 2007
For: **METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR AUTOMATICALLY CREATING A MEDIA PRESENTATION ENTITY USING MEDIA OBJECTS FROM A PLURALITY OF DEVICES**

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

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.
11/728,360	03/26/2007	Robert P. Morris	1457/US	1549

52354 7590 06/02/2011
SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
NAZAR, AHAMED I

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
06/02/2011	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

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SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
MORRIS, Robert et al.
Application No. 11/728,360
Filed: March 26, 2007
For: **METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR AUTOMATICALLY CREATING A MEDIA PRESENTATION ENTITY USING MEDIA OBJECTS FROM A PLURALITY OF DEVICES**

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 May 6, 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on May 6, 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.

/Eddie C. Lee/

Quality Assurance Specialist, TC 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/728,360	03/26/2007	Robert P. Morris	1457/US	1549

52354 7590 12/22/2011
SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
NAZAR, AHAMED I

ART UNIT	PAPER NUMBER
2178	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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John A. Demos
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 11/728,360
Filed: March 26, 2007
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR AUTOMATICALLY CREATING A MEDIA PRESENTATION ENTITY USING MEDIA OBJECTS FROM A PLURALITY OF DEVICES

DECISION ON PETITION UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 21 December 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 21 December 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 the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software

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.
11/728,360	03/26/2007	Robert P. Morris	1457/US	1549

52354 7590 03/29/2012
SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
NAZAR, AHAMED I

ART UNIT	PAPER NUMBER
2178	

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

John A. Demos
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of: Robert P. MORRIS Appl. No.: 11/728,360 Filed: March 26, 2007 For: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR AUTOMATICALLY CREATING A MEDIA PRESENTATION ENTITY USING MEDIA OBJECTS FROM A PLURALITY OF DEVICES	DECISION ON PETITION UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 27 March 2012.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 27 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

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NOV 17 2010
OFFICE OF PETITIONS

HUGH D. JAEGER, ESQ.
HUGH D. JAEGER, P.A.
P.O. BOX 432
WAYZATA MN 55391-0432

In re Application of	:	
Poley, Brooks J.	:	
Application No. 11/728,381	:	ON PETITION
Filed: March 26, 2007	:	
Attorney Docket No. LINDSTROM P719	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3774 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/22/2011

TO SPE OF : ART UNIT 1727

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/728521 Patent No.: 7746977 B2

CofC mailroom date: 6/15/2011

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

Note: _____

_____

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: All changes are approved.

No new matter has been introduced, nor has the scope or meaning of the claims been changed.

/Steven Scully/ Art Unit 1727

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

MAILED

FEB 09 2012

OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

In re Application of
Toshiyuki Hiroi, et al.
Application No. 11/728,542
Filed: March 26, 2007
Attorney Docket No.: 450137-05968

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 9, 2012.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 6, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 6, 2011. A Notice of Abandonment was mailed on December 21, 2011. On January 9, 2012, 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 the $1,740 issue fee and $300 publication fee; (2) the petition fee of $1,860; and (3) an adequate statement of unintentional delay.

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.

/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

OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS MA 01923

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Application of :
Wyner :
Application No. 11/728,564 : DECISION
Filed/Deposited: 26 March, 2007 :
Attorney Docket No. 2006P23774US01 :

This is a decision on the petition filed on 7 September, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

This petition was received in the Office of Petitions for determination at this writing.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 14 May, 2010, with reply due under a non-extendable deadline on or before Monday, 16 August, 2010.

The application went abandoned by operation of law after midnight 16 August, 2010.

The Office mailed the Notice of Abandonment on 30 August, 2010.

On 7 September, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred timely reply, with, *inter alia*, a copy of the averred timely reply (fees and form) submitted over a 20 May, 2010, certificate of mail and with a receipt card that never was returned to Petitioner, with averred true copies of the receipt card and the reply, and Petitioner's statement (personal knowledge) as the individual who signed the certificate(s) of mail.

Petitioners always are directed with regard to a petition pursuant to the regulations at 37 C.F.R. §1.181 to the guidance in the Commentary at MPEP §711.03(c)(I).

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely reply:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the

> correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and 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.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

---

[1] *See*: MPEP §711.03(c) (I)(B).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

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.[5]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 30 August, 2010, Notice of Abandonment hereby is **vacated**.

---

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] 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 instant application is released to the Publications Branch to be processed into a patent 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 Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) 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

[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BARTZ, & BARTZ, P.A.
6950 FRANCE AVENUE SOUTH
SUITE 119
EDINA MN 55435

MAILED
NOV 0 9 2010
OFFICE OF PETITIONS

In re Application of	:	
Mark T. ERICKSON	:	
Application No. 11/728,602	:	DECISION ON PETITION
Filed: March 27, 2007	:	
Attorney Docket No. U125.12.3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 22, 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 September 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 30, 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) 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/08/11

TO SPE OF : ART UNIT 3634

SUBJECT : Request for Certificate of Correction for Appl. No.: 11728618 Patent No.: 7908795

CofC mailroom date: 04/01/11

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 (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: CHANGES APPROVED

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/KATHERINE MITCHELL/ SPE 3634

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/02/11

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11728673 Patent No.: 7678905

CofC mailroom date: 5/25/11

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]

Note:

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments: _____

/Joseph K. McKane/ SPE, Art Unit 1626

SPE Art Unit

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LUMEN PATENT FIRM
350 CAMBRIDGE AVENUE
SUITE 100
PALO ALTO CA 94306

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of	:	
Cheng, et al.	:	
Application No. 11/728,716	:	DECISION
Filed/Deposited: 26 March, 2007	:	
Attorney Docket No. STL-101/US	:	

This is a decision on the petition filed on 7 January, 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 Notice of Allowance/Allowability and Fees Due (drawings requirement) mailed on 26 July, 2010, with reply due under a non-extendable deadline on or before 26 October, 2010.

The application went abandoned by operation of law after midnight 26 October, 2010.

The Office mailed the Notice of Abandonment on 10 November, 2010.

On 7 January, 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 drawings, 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.

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 Publications Branch to be processed into a patent 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 Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attdance 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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LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
JUNG, et al	:	
Application No. 11/728,729	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. QQ1-0189US	:	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 25, 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

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KILPATRICK TOWNSEND & STOCKTON LLP
ADOBE SYSTEMS, INC. 58083
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309-4530

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Patent No. 7,873,640	:
Issued: January 18, 2011	: LETTER REGARDING
Application No. 11/728,748	: PATENT TERM ADJUSTMENT
Filed: March 27, 2007	:
Attorney Docket No. 58083/395758 (P719)	:

This is a decision on the petition filed March 17, 2011, under 37 C.F.R. § 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 766 days.

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 94 days, beginning on June 9, 2010, the date of filing of the notice of appeal and ending on September 10, 2010, the subsequent date of the mailing of a notice of allowance. Thus, B delay is 203 (297 – 94) 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 decision should be directed to the undersigned at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Raj Vasant Abhyanker	:	
Application No. 11/728,848	:	DECISION ON PETITION
Filed: March 26, 2007	:	TO WITHDRAW
Attorney Docket No. DMP 0011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 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 a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. 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-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

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LYNN E BARBER
P O BOX 16528
FORT WORTH TX 76162

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of
Pilar Lorenzo et al.
Application No. 11/728,857
Filed: March 27, 2007
Attorney Docket No. S1901

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 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 28, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 28, 2010. Accordingly, the date of abandonment of this application is July 29, 2010. A Notice of Abandonment was mailed on August 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 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 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

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Commissioner for Patents
United States Patent and Trademark Office
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DAMBROSIO & MENON, LLP
2825 WILCREST DRIVE
SUITE 486
HOUSTON TX 77042

MAILED
SEP 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Slack et al.	:	
Application No. 11/728,868	:	DECISION ON PETITION
Filed: 03/27/2007	:	
Attorney Docket No. SEVR273STWP-CIP	:	

This is a decision on the petition under 37 CFR 1.182 filed September 21, 2011.

Applicants request that the Office withdraw the previously filed terminal disclaimer submitted on July 28, 2011.

As the examiner has concurred, the requested relief can be favorably considered. Accordingly, the petition is **granted**. The terminal disclaimer, filed July 28, 2011, is hereby withdrawn.

The Office acknowledges the payment of the $400.00 petition fee.

This matter is being referred to Technology Center Art Unit 3633 for correction of PALM and the file records consistent with this decision.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

MAILED
DEC 02 2011
OFFICE OF PETITIONS

In re Patent No. 7,390,047	:	
Issue Date: 06/24/2008	:	
Application No. 11/728,872	:	DECISION ON PETITION
Filed: 03/27/2007	:	
Attorney Docket No. SKO-147-A	:	

This is a decision on the petition under 37 CFR 1.182, filed November 17, 2011, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is GRANTED.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person or Kimberly Terrell, Office of Data Management at (571) 272-4200.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

cc: Ollie Person, 2800 S. Randolph Street, Room D-30-A (FAX 571-270-9764)
Kimberly Terrell, 2800 S. Randolph Street, Room D-33 (FAX 571-270-9958)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
MAY 23 2011
OFFICE OF PETITIONS

RICHARD L. ENGLISH
6727 E. SWARTHMORE DR.
ANAHEIM HILLS CA 92807

In re Application of	:	
Richard L. English	:	
Application No. 11/729,014	:	DECISION ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 05, 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 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 23, 2010. Accordingly, the date of abandonment of this application is March 24, 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 $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 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